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New York (State) *W. L. Van Ness*

L A W S
L. S. OF THE *Common*
State of New-York,

PUBLISHED BY AUTHORITY.



SECOND EDITION,

[PRINTED PAGE FOR PAGE WITH THE FIRST EDITION.]

V O L. II.

A L B A N Y :
PRINTED BY WEBSTERS AND SKINNER.
1807.

Advertisement.

THE EDITORS are happy to present the Public with the Second and last Volume of the *STATUTE LAWS OF THIS STATE*, which, together with the Volume already published, they flatter themselves will be found to contain all the Acts of the Legislature of this State in force at the commencement of their Session in January last, and which can materially affect the interests of the Community.—The Acts in this Volume they have arranged under different Heads or Titles, in order to exhibit in distinct views the regulations on the different subjects to which they relate.—This method they apprehend will tend to convenience and perspicuity, considering the scattered and irregular order in which those Acts would otherwise appear. It could not have been adopted with the same advantage in the former Volume, nor was it there at all material, since every Act in that Volume contained within itself all the provisions on the subject with which it was connected.

By the Act authorizing the publication of this Edition of the Laws, the Editors were required to publish the **TITLES** of all obsolete and private Acts and of all Acts of Incorporation and of a partial or local nature which should not be comprehended in the same Volume with the General and Public Acts, but this direction has been superseded by a subsequent Act of the last Session of the Legislature, and the Editors have therefore omitted all such Titles, except in cases where they have published other Acts in force on the same subject.—In those instances they have also inserted the Titles of the Acts relating to that subject in the order in which they passed, and they conceive that those are the only cases in which the publication of the Titles of Acts can in any degree be useful.

ALBANY, April 20, 1802.

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L A W S

OF THE

STATE OF NEW-YORK.

Counties.

C H A P. CXXIII.

An ACT to divide this State into Counties.

Passed 3d April, 1801.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the said state shall be and hereby is divided into thirty counties, to be called by the names of New-York, Suffolk, Queens, Kings, Richmond, Westchester, Rockland, Orange, Ulster, Dutchess, Columbia, Rensselaer, Washington, Saratoga, Essex, Clinton, Greene, Albany, Schoharie, Delaware, Otsego, Montgomery, Herkimer, Chenango, Onondaga, Cayuga, Tioga, Oneida, Steuben and Ontario.

State divided
into thirty
counties.

Names there-
of.

Schenectady

II. *And be it further enacted,* That the extent and limits of the said several counties shall be as follows :

Bounds there-
of.

The county of New-York to contain the islands called Manhattan's island, Great-barn-island, Little-barn-island, Manning's island, Nutten-island, Bedlow's island, Bucking-island and the Oyster-islands, and all the land under the water within the following bounds : Beginning at Spyten Duyvel-creek, where the same empties itself into the Hudson's river, on the Westchester side thereof, at low water mark, wherever the same now is or hereafter may be, and so running along the said creek at low water mark as aforesaid on the Westchester side thereof unto the East-river or Sound, and from thence to cross over to Nassau-island to low water mark there as aforesaid, including Great-barn-island, Little-barn-island and Manning's island, and from thence along Nassau-island shore, at low water mark as aforesaid, unto the south side of the Red-Hook, and from thence across the North-river so as to include Nutten-island, Bedlow's island, Bucking-island, and the Oyster-islands, to low water mark on the west side of Hudson's river, or so far as the bounds of this

New-York.

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state extend there, and so up along the west side of Hudson's river, at low water mark, or along the limits of this state, until it comes directly opposite the first mentioned creek, and thence to the place where the said boundaries first began.

Suffolk.

The county of Suffolk to contain all that part of this state bounded easterly and southerly by the Atlantic ocean, northerly by the Sound, and westerly by Lloyd's neck, or Queen's village, Cold-Spring harbour and the east bounds of the township of Oyster-bay, and the same line continued due south to the Atlantic ocean, including the Isle-of-Wight, now called Gardiner's island, Fisher's island, Shelter-island, Plumb-island, Robin's island, Ram-island and the Gull-islands.

Queens.

The county of Queens to contain all that part of this state bounded easterly by Suffolk county, southerly by the Atlantic ocean, northerly by the Sound, and westerly by the west bounds of the townships of Newtown and Jamaica, including Lloyd's neck or Queen's village, and the islands called the Two Brothers, and Hallet's island, and all islands in the Sound opposite to the said bounds, and southward of the main channel.

Kings.

The county of Kings to contain all that part of this state bounded easterly by Queens county, northerly by the county of New-York, westerly partly by Hudson's river, and partly by the ocean, and southerly by the Atlantic ocean, including Coney-island; and that the island on which the said three counties last mentioned are situated, shall continue to be called and known by the name of Nassau-island.

Richmond.

The county of Richmond to contain all Staten-island, Shooter's island, and the islands of meadow on the west side thereof.

Westchester.

The county of Westchester to contain all that part of this state bounded southerly by the Sound, easterly by the boundary line between this state and the state of Connecticut, northerly by the north bounds of the manor of Courtlandt and the same line continued east to the boundary line between this state and the state of Connecticut, and west to the middle of Hudson's river, and westerly by a line running from thence down the middle of Hudson's river until it comes opposite to the bounds of the state of New-Jersey on said river, then west to the same, then southerly along the east boundary line between this state and the state of New-Jersey to the line of the county of New-York, and then along the same easterly and southerly to the Sound or East-river, including Captain's island and all the islands in the Sound to the east of Frog's neck, and to the northward of the main channel.

Rockland.

The county of Rockland to contain all that part of this state bounded southerly and southwesterly by the line of

the county of Westchester where the same crosses Hudson's river, and the division line between this state and the state of New-Jersey, easterly by the middle of Hudson's river, and northerly and northwesterly by a line drawn from the middle of the said river west to the mouth of Poplopen's kill, and from thence on a direct course to the east end of the mill dam now or late of Michael Weiman across the Ramapough-river, and from thence a direct course to the twenty-mile stone standing in the said division line between this state and the state of New-Jersey.

The county of Orange to contain all that part of this Orange. state bounded easterly by the middle of Hudson's river, southerly by the said county of Rockland and the division line between this state and the state of New-Jersey, westerly by the river Mongaap and the division line between this state and the commonwealth of Pennsylvania, and northerly by a line drawn from a point in the middle of said Hudson's river opposite the northeast corner of a tract of land granted to Francis Harrison and company, called the five thousand acre tract, to the same northeast corner, and running from thence westerly along the north bounds of the same tract and the north bounds of another tract granted to the said Francis Harrison to the tract of land commonly called Wallace's tract, then along the lines of the same northerly and westerly to the northeasterly bounds of a tract of land granted to Jacobus Kip, John Cruger and others, commonly called Kip and Cruger's tract, then westerly along the northeasterly and northerly bounds thereof to the northwest corner thereof, and then westerly to the northeast corner of a tract of three thousand five hundred acres of land granted to Rip Van Dam and others, thence southerly along the same to the northeast corner of a tract of three thousand acres granted to Henry Wileman, and running thence along the north bounds thereof to the Paltz-river, commonly called the Wall-kill, then southerly up the said river to the southeast corner of a tract of four thousand acres of land granted to Gerardus Beekman and others, then westerly and northerly along the southerly and westerly bounds thereof to the northeast corner thereof, and then northwesterly along the north bounds of the land granted to Jeremiah Schuyler and company to the Shawangunk-kill, thence southwesterly along said kill to the north part of the farm now or late in the occupation of Joseph Wood, junior, thence west to the said river Mongaap.

The county of Ulster to contain all that part of this Ulster. state bounded southerly by the north bounds of the county of Orange, easterly by the middle of Hudson's river, westerly by the Delaware-river, and northerly by a line drawn from the Delaware-river at the most southerly corner of lot number twenty-eight in the subdivision of great

lot number two in the Hardenbergh patent, north sixty-two degrees east to the southwesterly bounds of great lot number eight in said patent, thence easterly to the north end of Shen's lake, and the same line continued to the west bounds of the town of Kingston, thence northerly to the northwest corner of the town of Kingston, thence along the north bounds of the same to Hudson's river, thence due east to the middle of said river.

Dutchess.

The county of Dutchess to contain all that part of this state bounded easterly by the east bounds of this state, southerly by the county of Westchester, westerly by the counties of Orange and Ulster, and northerly by a due east line drawn from the south bank of the Sawyer's kill on the west side of Hudson's river, continued due east till it meets with a line settled and established between Robert R. Livingston and Zachariah Hoffman deceased and others, as their mutual boundary, so far as it respected them individually, and thence along the same as far as it runs, and thence the same course continued to the southernmost bend of Roeluff Jansen's kill, and thence along the south and east line of the manor of Livingston to the division line between this state and the commonwealth of Massachusetts, including the whole of the Oblong to the northward of the county of Westchester.

Columbia.

The county of Columbia to contain all that part of this state bounded southerly by the county of Dutchess, westerly by the middle of Hudson's river, with such variations as to include all islands nearest to the east bank of said river, northerly by an east line from the southernmost part of Bearen-island in Hudson's river to the eastern bounds of this state, and easterly by the county of Dutchess and the said eastern bounds of this state.

Rensselaer.

The county of Rensselaer to contain all that part of this state, bounded southerly by the county of Columbia, westerly by a line drawn through the middle of the main stream of Hudson's river, with such variations as to include the islands lying nearest to the east bank thereof, northerly by a line beginning at the mouth of Lewis' creek or kill, and running from thence south eighty-four degrees east to the division line between this state and the state of Vermont, and easterly by the eastern bounds of this state.

Washington.

The county of Washington to contain all that part of this state bounded southerly by the county of Rensselaer, easterly by the east bounds of this state, northerly by a due west line drawn from the east bounds of this state so as to strike the most northerly point of the rock commonly called Rogers' rock, situate on the west side of Lake-George, continued due west until it intersects a line drawn from the Mohawk-river where the northeast corner of the tract of land granted by letters patent to George Ingoldsby

and others touches the said river, north one degree and twenty-five minutes west as the same has been lately run by order of the surveyor-general, westerly by the line last mentioned until it intersects a west line drawn from Fort-George near Lake-George, and by the line last mentioned until it strikes the north branch of Hudson's river, and by the middle of the said branch and of the main stream of said river until it meets the north bounds of the county of Rensselaer, with such variations as to include all islands lying nearest to the east bank of said river.

The county of Saratoga to contain all that part of this state bounded southerly by the county of Albany, easterly by the counties of Rensselaer and Washington, northerly by the county of Washington, and westerly by a line drawn from the Mohawk-river where the northeast corner of the tract of land granted by letters patent to George Ingoldsby and others touches the said river, north one degree and twenty-five minutes west. Saratoga.

The county of Essex to contain all that part of this state bounded southerly by the county of Washington, easterly by the east bounds of this state, westerly by the west line of the counties of Saratoga and Washington continued to a point opposite to the south line of a tract of three thousand six hundred acres of land granted to Mathew Adgate, northerly by a line drawn east from the said point to the south line aforesaid until it intersects the great river Ausable, thence by the said river along the north bank thereof to the forks of said river, thence by the south branch of said river along the north bank thereof to Lake-Champlain, and thence by a due east line to the east bounds of this state. Essex.

The county of Clinton to contain all that part of this state bounded southerly by the county of Essex and Totten and Crossfield's purchase, easterly by the east bounds of this state, northerly by the north bounds of this state, and westerly by the west bounds of this state, and the division line between great lots number three and number four of Macomb's purchase continued to the west bounds of this state. Clinton.

The county of Greene to contain all that part of this state bounded southerly by the county of Ulster and part of the county of Delaware, as hereafter described, easterly by the middle of Hudson's river, north and northwesterly by a line drawn west from the southernmost part of Bearen-island in said river to the southwest corner of the manor of Rensselaerwyck, and a line drawn from thence to the place where the line formerly run from the head of Kaater's creek issuing out of the southerly side or end of a certain lake or pond lying in the Blue mountains to a small lake called Utsayantho intersects the Schoharie-creek, and westerly by the said county of Delaware. Greene.

Albany.

The county of Albany to contain all that part of this state bounded northerly by a line beginning at a point in the middle of Hudson's river, opposite to the middle of the most northerly branch of the Mohawk-river, running thence through the middle of the said northerly branch and of the said Mohawk-river westerly to the east bounds of the city of Schenectady, thence along the easterly and northerly bounds of the said city as the same are specified in the award of the commissioners appointed by the act, entitled *An act for settling the line or lines of division between the town of Schenectady and the patent of Kayaderosseras*, passed the nineteenth day of January, one thousand seven hundred and ninety-three, and filed in the office of the secretary of this state, to the northwest corner of the said city, westerly by a line drawn from the said northwest corner of the said city southerly to the Mohawk-river opposite to the northeast corner of a patent granted to George Ingoldsby and others, and thence running south-westerly along the north bounds of the last mentioned patent, and of the patents granted to Walter Butler, to Thomas Freeman and to Alexander Philip and William Cosby to the Schoharie-creek, thence along the said creek and the Schoharie patent to the patent granted to Johannes Lawyer, then along the south bounds of the patent granted to Jonathan Brewer to the manor of Rensselaerwyck, thence along the west bounds of the said manor to the southwest corner thereof, southerly by the county of Greene, and easterly by the county of Rensselaer.

Schoharie.

The county of Schoharie to contain all that part of this state bounded easterly by the county of Albany, northerly by part of the south bounds of the county of Montgomery as hereafter described, westerly by a line beginning at the southwest corner of a tract of land formerly granted to John Lyne, and running thence the following courses and distances as marked by order of the surveyor-general: south twenty-one degrees and forty-eight minutes west two hundred and nineteen chains to the place where Joshua Tucker formerly resided, thence south seven degrees and forty-eight minutes west one hundred and ninety-three chains to the easternmost line of the second allotment of a tract of land known by the name of the Belvidere patent, thence south nine degrees east six hundred and ninety-five chains to a certain hill known by the name of Grover's hill, thence with a direct line from the most northwesterly corner of Stroughburgh patent, thence with a direct line to the most northerly corner of Harpersfield on the Charlotte or Adegatangie branch of the Susquehannah-river, thence southeasterly along the north bounds of Harpersfield to the said Lake-Utsayantho, and southerly by a line formerly run from the head of Kaater's creek, where the same issues out of the southerly side or

C O U N T I E S.

end of a certain lake or pond lying in the Blue mountains to the said Lake-Utsayantho, and by part of the north bounds of the county of Greene.

The county of Delaware to contain all that part of this Delaware. state, bounded as follows : Beginning on the east bank of the Delaware-river at the most southerly corner of lot number twenty-eight in the subdivision of great lot number two in the Hardenbergh patent, then north sixty-two degrees east to the northeasterly bounds of great lot number eight in the said patent, then along the bounds of the said lot number eight northwesterly to the southwest corner of lot number twenty in the said patent, then northeasterly along the division line between lots number nineteen and said lot number twenty, and that line continued to the southerly bounds of the county of Albany, then along the same and along the southerly bounds of the county of Schoharie to the Lake-Utsayantho, then along the north bounds of a tract of land granted to John Harper and others to the northwest corner thereof, and the same line continued to the Adegatangie or Charlotte-river, then down the waters thereof to the Susquehannah-river, then down the waters thereof to the line of property, then southerly along the said line of property to the Delaware-river, then down the waters thereof and along the division line between this state and the commonwealth of Pennsylvania to the place of beginning.

The county of Otsego to contain all that part of this Otsego. state bounded southerly by the county of Delaware, easterly by the county of Schoharie, northerly by a line beginning at the northwest corner of the county of Schoharie, running thence westerly to the northeast corner of a tract of land formerly granted to John Groesbeck, called Springfield, thence along the north bounds thereof and the same line continued to a line run from the Little-Falls in the Mohawk-river to the mouth of the creek on which the mills of Richard Cary are erected where the same creek empties itself into the waters of Lake-Otsego, then southerly along said line to the southerly bounds of a tract of land formerly granted to Theobald Young, then along the southerly bounds thereof and the southerly bounds of a tract of land formerly granted to Rudolph Staley to a tract of land formerly granted to William Bayard and others, called the Free-Mason's patent, thence southerly and westerly along the same to the Unadilla-river, and westerly by the said Unadilla-river from the place last mentioned to its junction with the Susquehannah-river.

The county of Montgomery to contain all that part of Montgomery. this state bounded easterly by part of the west bounds of the county of Albany, and by the west bounds of the counties of Saratoga, Washington and Essex, northerly by the county of Clinton, southerly by a line drawn from the northeast corner of the tract of land granted by letters

patent to George Ingoldsby and others on the Mohawk-river, and running thence southwesterly along the county of Albany to the south bounds of a patent formerly granted to John Bowen, thence southwesterly along the same to the tract known by the name of the old Schoharie patent, thence west along a line heretofore run as part of the northern boundary of the former county of Albany to a place where the same is intersected by a line drawn north twenty-five degrees east from a lake called Utsayantho, thence westerly to the southeast corner of a tract of land formerly granted to William Cosby, thence westerly along the same and along a tract of land formerly granted to John Lyne to the southwest corner thereof, thence along the northern bounds of the county of Otsego to a line run from the Little-Falls on the Mohawk-river to the head waters of Lake-Otsego, westerly by a straight line drawn from thence to the east end of the easternmost lock of the canal on the north side of the Mohawk-river at the Little-Falls, thence north as the magnetic needle pointed in the year one thousand seven hundred and seventy-two to the southerly line of a tract of land called Jersey-Field, from thence a direct course to strike the line of division between two certain tracts of land, the one known by the name of Nobleborough, and the other by the name of Arthurborough, thence along the said line of division to the northerly bounds of the said tracts, thence a north course to the north bounds of this state.

Herkimer.

The county of Herkimer to contain all that part of this state bounded easterly by the county of Montgomery and part of the county of Otsego, southerly by the county of Otsego, westerly by a line beginning in the south bounds of the patent granted to William Bayard and others, called the Free-Mason's patent, where the same is intersected by a line run south from the former fording place in the Mohawk-river at Old Fort-Schuyler, now called Utica, thence north along said line to the southerly line of Cosby's manor, thence northeasterly a direct line to the northerly bounds of said Cosby's manor at a point where the same is intersected by the division line between Gage's and Walton's patents, thence northerly on the line between the said Walton's and Gage's patents to the West-Canada-creek, thence northerly up the waters of said creek to the forks thereof, thence easterly up the east branch of said creek to the northeast corner of Service's patent, thence north to the county of Clinton, and northerly by the county of Clinton.

Chenango.

The county of Chenango to contain all that part of this state bounded westerly by the eastern boundaries of the tract of land called the military tract as the same have been run and marked by the surveyor-general of this state, and by a line drawn from the southeast corner

C O U N T I E S.

Of the said tract on a direct course to the confluence of the Tioughnioga and Chenango rivers, and to the east bank of the last mentioned river, southerly by a line drawn from the place last mentioned along the eastern bank of the Chenango-river to the northwest corner of a tract of land granted to John Jay and others, thence along the north bounds thereof and the same line continued until it meets the west line of Clinton township, thence along the same south to the southwest corner thereof, thence east along the south bounds thereof to the line of property, easterly by the west bounds of the counties of Delaware and Otsego, northerly by a line beginning at the Unadilla-river and at the southeast corner of township number twenty of the twenty townships, so called, and running along the south bounds of the said township number twenty to the division line between the third and fourth quarters thereof, thence along the said division line to the north bounds thereof, thence along the north bounds thereof and of the said twenty townships westerly to the southwest corner of lot number fifty in the first allotment of a tract of land called New-Petersborough, thence northerly on the west line of said lot number fifty and sixty-nine to the south line of New-Stockbridge, thence the shortest line to the main branch of the Oneida-creek, thence northerly down said creek to the Oneida-lake, thence westerly along the southerly shore of Oneida-lake to the township of Cicero in the said military tract.

The county of Onondaga to contain all that part of the tract of land in this state commonly called the military tract, set apart for the use of the troops of the line of this state lately serving in the army of the United States, which is bounded easterly by the county of Chenango, being the east bounds of the said tract, north and northeasterly by the Oneida-lake and the Onondaga or Oswego-river issuing therefrom to the place where it empties into Lake-Ontario, northwesterly by Lake-Ontario from the mouth of the said river to the west line of the township of Hannibal in the said military tract, westerly by the west and south bounds of said township to the township called Lysander, thence on the west line of Lysander to Cross-lake in the Seneca-river, thence in the straightest direction to that point where the west line of the township of Camillus touches the aforesaid river, thence on the west line of Camillus to the south line thereof, thence easterly along the said south line to the northwest corner of the township of Marcellus, thence along the westerly and southerly lines of the said township to the Skaneateles-lake, thence southerly on the westerly shore of the same to the township of Tully, thence between the townships of Tully and Sempronius, Homer and Locke, Virgil and Dryden, to the south bounds of the said military tract.

southerly by the south bounds of the townships of Virgil and Cincinnatus, which form part of the south bounds of the said tract as the said tract and townships therein have been laid out and surveyed by the surveyor-general of this state.

Cayuga.

The county of Cayuga, to contain all that part of the said military tract, bounded easterly by the county of Onondaga, northerly by Lake-Ontario, westerly by the line called the new pre-emption line from said Lake-Ontario to the Seneca-lake, and thence along the west shore of said lake to the southwest corner of the township of Hector, and southerly by the south bounds of the townships of Hector, Ulysses and Dryden in the said military tract, as the same have been laid out and surveyed as aforesaid.

Tioga.

The county of Tioga to contain all that part of this state bounded west by the new pre-emption line, commonly so called, beginning at the eighty-two mile-stone in the line of division between this state and the commonwealth of Pennsylvania, and running due north to Lake-Ontario, as the same has been run and established by law, until the said line be intersected by a line drawn west from the southwest corner of the military tract, northerly by a line drawn from the said place of intersection to the southwest corner of the said tract, and by the south bounds of the said tract to the county of Chenango, then easterly and northerly by the said county of Chenango, and also easterly by the county of Delaware, and southerly by the said division line between this state and the commonwealth of Pennsylvania.

Oneida.

The county of Oneida to contain all that part of this state bounded easterly by the county of Herkimer, northerly by the county of Clinton, and by the north bounds of this state from the most westerly corner of the county of Clinton to a place in Lake-Ontario where the said north bounds shall be intersected by the new pre-emption line aforesaid continued due north, westerly by the line last mentioned to the south bank of Lake-Ontario, and southerly by the counties of Cayuga, Onondaga and Chenango, and the south bounds of the patent granted to William Bayard and others, called the Free-Mason's patent.

Steuben.

The county of Steuben to contain all that part of this state bounded southerly by the line of division between this state and the commonwealth of Pennsylvania, easterly by the county of Tioga and part of the county of Cayuga, northerly by the north bounds of the lots numbered six of the townships called the seven ranges of townships, and the same continued easterly to the west bounds of the county of Cayuga, and westerly by a true meridian drawn south from the confluence of the Genesee-river with the Shanahaguaicon or Canesarago-creek for the west bounds of

the purchase of Phelps and Corham from the Seneca Indians.

And the county of Ontario to contain all the remainder of this state lying north and west of the said county of Steuben and west of the said counties of Cayuga and Oneida. Ontario.

TOWNS.

C H A P. CLXIII.

An ACT for dividing the Counties of this State into Towns.

Passed 7th April, 1801.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all that part of the county of Suffolk now called and known by the name of Southhold, lying to the eastward of a line beginning at the Sound, running thence southerly to the bay separating South Hampton and Southhold, and which is the eastern boundary or side of a farm now or late in the tenure and occupation of William Albertson, and is the reputed line of division between the parishes of Ocquebogue and Mattetuck, and including Ram-island, Fisher's island, Plumb-island, Robin's island and the Gull-islands, shall be and continue a town by the name of Southhold.

SUFFOLK
county divided
into nine
towns, as follows:

Southhold.

And all that part of the said county of Suffolk now called and known by the name of Riverhead, bounded easterly by Southhold, westerly by Brookhaven, southerly by Peaconock-river, and northerly by the Sound, shall be and continue a town by the name of Riverhead.

Riverhead.

And that all that part of the said county of Suffolk now called East-Hampton, including Montock and the Isle-of-Wight, now called Gardiner's island, shall be and continue a town by the name of East-Hampton.

East-Hampton

And that all that part of the said county of Suffolk now called and known by the name of South-Hampton, including Bridge-Hampton heretofore called Soggabo-neck and Mecoxe, shall be and continue a town by the name of South-Hampton.

South-Hampton.

And that all that island called Shelter-island in the county of Suffolk, shall be and continue a town by the name of Shelter-island.

Shelter-island.

And that all that part of the said county of Suffolk called Huntington, including Eaton's neck and Crab-meadow, shall be and continue a town by the name of Huntington.

Huntington.

Islip.

And that all that part of the said county of Suffolk bounded southerly by the Atlantic ocean, westerly by Huntington, northerly by Smith-Town and Winne-Commick, and easterly by the east bounds of the lands formerly belonging to William Nicoll near Blue-point, excepting nevertheless all the beach and bay which is included in the patent of Brookhaven and belongs to the town of Brookhaven, shall be and continue a town by the name of Islip.

Smith-Town.

And that all that part of the said county of Suffolk bounded southerly by Islip, westerly by Huntington, northerly by the Sound, and easterly by the patent of Brookhaven including Winne-Commick, shall be and continue a town by the name of Smith-Town.

Brookhaven

And that all that part of the said county of Suffolk bounded westerly by Smith-Town and Islip, northerly by the Sound, easterly by Riverhead and South-Hampton, and southerly by the Atlantic ocean, shall be and continue a town by the name of Brookhaven.

QUEENS
county into
six towns, viz.
Oyster-Bay.

And that all that part of Queens county now called and known by the name of Oyster-Bay, including Lloyd's neck or Queen's Village and Hog Neck, and extending on the south from the southeast point of Oyster-Bay meadows south three degrees west to the Atlantic ocean, shall be and continue a town by the name of Oyster-Bay.

Hempstead.

And that all that part of Queens county bounded easterly by Oyster-Bay, southerly by the Atlantic ocean, westerly by Jamaica, and northerly by the county road leading from Jamaica nearly through the middle of the great plains commonly called Hempstead plains to the east part thereof, including the lands called the gore between the patent of Hempstead and the patent of Oyster-Bay, shall be and continue a town by the name of Hempstead, except a small gore of land on which Stephen Clement resides lying on the north side of, and adjoining to the highway that leads from Jamaica to Hempstead plains, and bounded on the west by the town of Jamaica, and on the north by Flushing, shall be and the same is hereby annexed to and shall hereafter be a part of the town of Flushing for every purpose whatever.

North-Hempstead.

And that all that part of Queens county bounded easterly by Oyster-Bay, southerly by Hempstead, westerly by Flushing, and northerly by the Sound, shall be and continue a town by the name of North-Hempstead.

Flushing.

And that all that part of Queens county aforesaid now called and known by the name of Flushing, shall be and continue a town by the name of Flushing.

Jamaica.

And that all that part of Queens county aforesaid now called and known by the name of Jamaica, shall be and continue a town by the name of Jamaica.

Newtown.

And that all that part of Queens county aforesaid now

called and known by the name of Newtown, including all the islands in the Sound opposite the same and comprehended in Queens county, shall be and continue a town by the name of Newtown.

And that all that part of Kings county now called and known by the name of Brooklyn, shall be and continue a town by the name of Brooklyn. **KINGS county into six towns, viz. Brooklyn,**

And that all that part of Kings county aforesaid now called and known by the name of Bushwick, shall be and continue a town by the name of Bushwick. **Bushwick.**

And that all that part of Kings county aforesaid now called and known by the name of Flatlands or Amesford, shall be and continue a town by the name of Flatlands. **Flatlands.**

And that all that part of Kings county aforesaid now called and known by the name of Flatbush, including the tract of land called New-lots, shall be and continue a town by the name of Flatbush. **Flatbush.**

And that all that part of Kings county aforesaid now called and known by the name of Gravesend, including Coney-island and all the islands south of the said town, shall be and continue a town by the name of Gravesend. **Gravesend.**

And that all that part of Kings county aforesaid now called and known by the name of New-Utrecht, shall be and continue a town by the name of New-Utrecht. **New-Utrecht.**

And that all that part of the county of Richmond bounded northerly by Kill-Van-Cull, easterly by Hudson's river, southerly by the road leading from Van Duerson's ferry southward of the watering place to Richmond town, and westerly by a line beginning at the mouth of Dongan's mill creek and running from thence along the line of the manor of Castletown to the road at the rear of the patent of Corsen and company, thence along the northerly side of the said road westerly to the road leading to Haughwout's mill, and then southerly along the westerly side of the last mentioned road as it runs along by Richard Conner's to the tavern now or late called the Rose and Crown on the said road leading to Richmond town, shall be and continue a town by the name of Castletown. **RICHMOND county into four towns, viz. Castletown.**

And that all that part of the said county of Richmond bounded northerly by the north side of said road leading from Van Duerson's ferry to Richmond town and the Fresh-kill, easterly by Hudson's river, southerly by the bay, and westerly by a line beginning on the Fresh-kill at the northwest corner of the land and meadow late of James Egberts, and running from thence southerly along the same to Egberts' lane, and then along the same lane to the road called the new road, and then along the same new road westerly to the land now or late belonging to Henry Perine, and thence southerly along the easterly bounds thereof to the bay, shall be and continue a town by the name of Southfield. **Southfield.**

Poundridge.

And that all that part of the said county of Westchester bounded southerly by the state of Connecticut, easterly and northerly by Salem, and westerly by Bedford and Mahanus-river, shall be and continue a town by the name of Poundridge.

Salem.

And that all that part of the said county of Westchester bounded northerly by a line beginning at a monument in the line between this state and Connecticut east of the north long pond, and running westerly by the north side of the said pond and the south bounds of the land now or late belonging to Ezekiel Hawley until it comes to the road leading over the mountain, and then crossing the same road and running northerly along the west side of the same road to the land now or late belonging to Ezekiel Hawley, and then westerly along the same to the west line of the Oblong, then northerly along the said Oblong line until it comes to the south line of the north lot number ten of the manor of Cortlandt, and then westerly along the south bounds of the said lot number ten and the south bounds of the north lots number nine and eight to Croton-river, and then down the said river to Bedford, easterly and southerly by Connecticut, Poundridge and Bedford, and westerly by Poundridge, Bedford and Croton-river, shall be and continue a town by the name of Salem.

North-Salem.

And that all that part of the said county of Westchester bounded southerly by Salem, easterly by Connecticut, northerly by Dutchess county, and westerly by the middle of Croton-river, shall be and continue a town by the name of North-Salem.

Cortlandt.

And that all that part of the said county of Westchester bounded westerly by the middle of Hudson's river, northerly by the county of Dutchess, easterly by north lot number two and south lot number two of the manor of Cortlandt, and the same line continued to the south bounds of the manor of Cortlandt, and southerly by the south bounds of the manor of Cortlandt, shall be and continue a town by the name of Cortlandt.

York-Town.

And that all that part of the said county of Westchester bounded westerly by the town of Cortlandt, northerly by the county of Dutchess, easterly by north lot number five and south lot number five of the said manor of Cortlandt, and the same line continued to the south bounds of the said manor of Cortlandt, and southerly by the south bounds of the said manor of Cortlandt, shall be and continue a town by the name of York-Town.

Stephentown.

And that all that part of the said county of Westchester bounded westerly by York-Town, northerly by the county of Dutchess, easterly by North-Salem, Croton-river and Bedford, and southerly by the south bounds of the manor of Cortlandt, shall be and continue a town by the name of Stephentown.

And that all that part of the county of Dutchess bounded southerly by the county of Westchester, westerly by the middle of Hudson's river, northerly by the north bounds of the lands granted to Adolph Philipse, and easterly by the east bounds of the long lot number four, formerly belonging to Beverly Robinson, shall be and continue a town by the name of Philips-Town.

DUTCHESS
county into
fifteen towns,
viz.
Philips-Town

And that all that part of the said county of Dutchess lying east of Philips-Town, west of the east line of Philips' long lot, and south of a line to begin at a point in the east bounds of Philips-Town six miles from the north bounds of the county of Westchester, and running north eighty-seven degrees and thirty minutes east to the state of Connecticut, shall be and continue a town by the name of Carmel.

Carmel

And that all that part of the said county of Dutchess lying east of the said east line of Philips' long lot, and south of the above mentioned line, beginning at a point in the east bounds of said Philips-Town six miles from the north bounds of the county of Westchester, and running north eighty-seven degrees and thirty minutes east and continued to the state of Connecticut, shall be and continue a town by the name of South-East.

South-East

And that all that part of the said county of Dutchess lying east of the said east line of Philips' long lot, and north of the above mentioned line, beginning at a point in the east bounds of said Philips-Town as aforesaid, and south of the north bounds of the lands granted to Adolph Philipse, shall be and continue a town by the name of Franklin.

Franklin

And that all that part of the said county of Dutchess lying west of the said east line of Philips' long lot, and north of the above mentioned line, beginning at a point in the east bounds of said Philips-Town as aforesaid east of Philips-Town and south of the north bounds of the lands granted to Adolph Philipse, shall be and continue a town by the name of Frederick.

Frederick

And that all that part of the said county of Dutchess bounded southerly by Philips-Town and Frederick, westerly by the middle of Hudson's river, northerly by Wappinger's kill or creek, and easterly by the east bounds of Rumbout's patent, shall be and continue a town by the name of Fishkill.

Fishkill

And that all that part of the said county of Dutchess bounded southerly by Frederick, westerly by Fishkill, northerly by the north bounds of the lands granted to colonel Henry Beekman, and easterly by a line beginning at the house now or late of Darius Talman, near the Nine-Partner's line, and running from thence to the house now or late of William Clark, and from thence to the house now or late of Nathaniel Lee, and from thence to the house now or late of Caleb Lamb, and from thence

Beekman

south sixteen degrees west to Frederick, shall be and continue a town by the name of Beekman.

Pawling.

And that all that part of the said county of Dutchess bounded southerly by the towns of Franklin and Frederick, westerly by Beekman, northerly by the north bounds of the patent granted to colonel Henry Beekman, continued to Connecticut, and easterly by Connecticut, shall be and continue a town by the name of Pawling.

Poughkeepsie

And that all that part of the said county of Dutchess bounded easterly and southerly by Wappinger's kill or creek, westerly by the middle of Hudson's river, and northerly by the tract of land called the great or lower Nine-Partners, shall be and continue a town by the name of Poughkeepsie.

Clinton.

And that all that part of the said county of Dutchess bounded southerly by Poughkeepsie and Beekman, westerly by the middle of Hudson's river, northerly and easterly by a line beginning at the east bank of Hudson's river at the northwest corner of the tract of land called Pawling's patent, and running along the north line of the same patent to Crom-Elbow-kill, otherwise called Fish-creek, thence up along the said creek to the line of the tract of land called the little or upper Nine-Partners, thence easterly along the said line to the northeast corner of lot number one so known and distinguished in the first division of the said tract of land called the great or lower Nine-Partners, and then southerly in the line of that tier of lots to the north bounds of Beekman aforesaid, shall be and continue a town by the name of Clinton.

Rhinebeck.

And that all that part of the said county of Dutchess bounded southerly by Clinton, westerly by the middle of Hudson's river, northerly by the county of Columbia, and easterly by the little or upper Nine-Partners, shall be and continue a town by the name of Rhinebeck.

Stanford.

And that all that part of the said county of Dutchess lying north of the north line of lots number fourteen and twenty-three, laid out in the general division heretofore made of a tract of land called the lower or great Nine-Partners, and bounded southerly by the town of Washington, westerly by Clinton, northerly by the north bounds of the tract of land called the lower or great Nine-Partners, and easterly by the easternmost tier of lots laid out in the general division heretofore made of the said tract of land called the lower or great Nine-Partners, shall be and continue a town by the name of Stanford.

Washington.

And that all that part of the said county of Dutchess bounded southerly by the town of Beekman, westerly by Clinton, northerly by Stanford, and easterly by the easternmost tier of lots laid out in the general division heretofore made of the said tract of land called the lower or great Nine-Partners, shall be and continue a town by the name of Washington.

And that all that part of the said county of Dutchess bounded southerly by the town of Pawling, westerly by the towns of Washington and Stanford, northerly by the north bounds of the said lower or great Nine-Partners, and an east line from the northeast corner thereof to Connecticut, and easterly by Connecticut, shall be and continue a town by the name of **Amenia**.

Amenia.

And that all that part of the said county of Dutchess bounded westerly by Rhinebeck, northerly by the county of Columbia and the commonwealth of Massachusetts, easterly by Connecticut, and southerly by the towns of Clinton, Stanford and **Amenia**, shall be and continue a town by the name of **Northeast-Town**.

Northeast-Town.

And that all that part of the county of Rockland bounded easterly by the middle of Hudson's river, southerly by New-Jersey, and westerly and northerly by a line beginning on Hudson's river at the northeast corner of the farm late belonging to Herman Tallman deceased, and running from thence east to the middle of said river, and westerly along the said farm to the tract of land formerly granted to Teunis D. Tallman, and then southerly and westerly along the bounds of the same tract to Demarest's kill or Hackinsack-river, and then down the stream thereof to the northeast corner of a tract of one thousand acres of land formerly sold for defraying the expenses of dividing the patent of Kakiatt, and then westerly along the same to the northwest corner thereof, and then northerly, westerly and southerly along the land now or late belonging to Johannes Jos. Blauvelt to the northeast corner of the land now or late belonging to John M. Hogencamp, and then westerly and southerly along the same to the northeast corner of the land now or late belonging to John P. Mabie, and then westerly along his land to New-Jersey, shall be and continue a town by the name of **Orange-Town**.

ROCKLAND
county into
four towns,
viz.

Orange-Town.

And that all that part of the said county of Rockland bounded westerly by a line beginning at the northwest corner of the land of John M. Hogencamp, called his middle town lot, and running from thence north three degrees west to the division line between the north and south moiety of the patent of Kakiatt, and then along the same east to the line of division between the east and west four hundred acre lots of the said north moiety, and then along the last mentioned division line and continuing the same to the line of division between the mountain lots upon the top of the Verdrietege-hook mountain and northerly by the line running along the top of the said mountain between the said mountain lots to the east end thereof, and from thence to the head of the stream of water which runs from the Long-Clove to Hudson's river, easterly by the middle of Hudson's river, and southerly by **Orange-Town**, shall be and continue a town by the name of **Clarks-Town**.

Clarks-Town.

Hampstead.

And that all that part of the said county of Rockland bounded easterly by Clarks-Town and Orange-Town, southerly by Orange-Town and New-Jersey, westerly by New-Jersey and Orange county, and northerly by a line running from the northwest corner of Clarks-Town along the south bounds of the lands of Francis Gurpie and Benjamin Coe, and along the south bounds of the land of Gabriel Concklin, and the same course continued to the bounds of Orange county, shall be and continue a town by the name of Hampstead.

Haverstraw.

And that all that part of the said county of Rockland bounded southerly by Hampstead and Clarks-Town, and easterly, northerly and westerly by the bounds of the county, shall be and continue a town by the name of Haverstraw.

ORANGE
county into
eleven towns,
viz.

**Blooming-
Grove.**

And that all that part of the county of Orange beginning in the south bounds of the town of New-Windsor at the northeast corner of a tract of land commonly called Van Dam's patent, and then along the east bounds of the said patent to the southeast corner thereof, thence southeast until it comes to the top of Schonamunk mountain, thence southwesterly along the top of said mountain to the line commonly called the new northwest line, thence northwest along said line to the division line between the patent of Wawayanda and Cheescocks, thence along the said line to the town of Warwick, thence northwardly along the line of the towns of Warwick and Goshen to the line of the town of Wallkill, and thence east along the said line and the line of the town of New-Windsor to the place of beginning, shall be and continue a town by the name of Blooming-Grove.

Cheescocks.

And that all that part of the said county of Orange beginning in the east line of the town of Warwick, at the southerly corner of the town of Blooming-Grove, and thence southerly along the said line of the town of Warwick to the line of the state of New-Jersey, thence along the said line to the county of Rockland, thence along the said county of Rockland to the mouth of Poplopen's kill on the west side of Hudson's river, thence a direct line to the southeast corner of the town of Blooming-Grove, and thence along the same to the place of beginning, shall be and continue a town by the name of Cheescocks.

Cornwall.

And that all that part of the said county of Orange bounded northerly by New-Windsor, westerly by Cheescocks and Blooming-Grove, southerly by Cheescocks and the bounds of the county, and easterly by the middle of Hudson's river, shall be and continue a town by the name of Cornwall.

Goshen.

And that all that part of the said county of Orange bounded easterly by Blooming-Grove, northerly by the town of Wallkill, westerly by the middle of the Wall-

kill, and southerly by the creek commonly called Quaker's creek from where it falls into the Wallkill on the southwesterly side of the great island in the drowned lands to the road leading across the grist-mill dam of William Thompson, esquire, thence along the southerly side of the said road running towards Sugar-loaf mountain to the northerly line of the plantation late of Samuel Rayner deceased, and thence along said line easterly to the southwest corner of a large tract of land commonly called Rutgers' tract, and thence easterly along the south bounds of the said tract to the foot of the said Sugar-loaf mountain, and then an east course to the bounds of Blooming-Grove, shall be and continue a town by the name of Goshen.

And that all that part of the said county of Orange **Warwick** bounded easterly by Cheescocks and Blooming-Grove, southerly by the state of New-Jersey, westerly by the middle of the Wallkill, and northerly by Goshen, shall be and continue a town by the name of Warwick.

And that all that part of the said county of Orange **Minisink** bounded easterly by the middle of the Wallkill, southerly by New-Jersey, westerly by Delaware-river, and northerly by the towns of Wallkill and Deerpark, shall be and continue a town by the name of Minisink.

And that all that part of the said county of Orange **New-Windsor** bounded easterly by the middle of Hudson's river, southerly by an east and west line from the mouth of Murderer's creek, and westerly and northerly by a line beginning at the west side of Hudson's river at the mouth of Quasick-creek, and running from thence along the south bounds of a tract of land commonly called German patent and the southerly bounds of a tract of land granted to Alexander Baird and company to the east bounds of two thousand acres of land granted to Cadwallader Colden, and then across the same to the most northerly corner of the land granted to Patrick Hume, and thence along the westerly bounds thereof to the lands granted to Patrick M-Knight, and then along the same southeasterly and southwesterly to the southerly corner thereof, and then continuing the last mentioned line to the town of Blooming-Grove so as to include the lands formerly of Fletcher Matthew, shall be and continue a town by the name of New-Windsor.

And that all that part of the said county of Orange **Newburgh** bounded easterly by the middle of Hudson's river, southerly by New-Windsor, westerly by the east bounds of the tract of land granted to Cadwallader Colden and the east bounds of one thousand acres of land granted to John Johnson, and the east bounds of three thousand acres of land granted to Henry Wileman, and the east bounds of three thousand five hundred acres of land granted to Rip

Van Dam and others, and northerly by a line beginning on the west side of Hudson's river at the northeast corner of a tract of land granted to Francis Harrison and company, called the five thousand acre tract, and running from thence east to the middle of Hudson's river, and westerly along the north bounds of the said tract and the north bounds of another tract granted to the said Francis Harrison to the tract of land commonly called Wallace's tract, then along the lines of the same northerly and westerly to the northeasterly bounds of a tract of land granted to Jacobus Kip, John Cruger and others, commonly called Kip and Cruger's tract, then westerly along the northeasterly and northerly bounds thereof to the northwest corner thereof, and then westerly to the northeast corner of the said tract of three thousand five hundred acres of land granted to Rip Van Dam and others, shall be and continue a town by the name of Newburgh.

Wallkill.

And that all that part of the said county of Orange bounded easterly by New-Windsor, southerly by a west line from the mouth of Murderer's creek, westerly by Shawangunk-kill, and northerly by the line commonly called the old northwest line, shall be and continue a town by the name of Wallkill.

Montgomery.

And that all that part of the said county of Orange bounded easterly by New-Windsor and Newburgh, southerly by the town of Wallkill, westerly by Shawangunk-kill, and northerly by a line beginning at the northeast corner of a tract of three thousand acres of land granted to Henry Wileman, and running thence along the north bounds thereof to the Paltz-river, commonly called the Wallkill, and then southerly up the same river to the southwest corner of a tract of four thousand acres of land granted to Gerardus Beekman and others, and then westerly and northerly along the southerly and westerly bounds thereof to the northwest corner thereof, and then northwesterly along the north bounds of the lands granted to Jeremiah Schuyler and company to the Shawangunk-kill aforesaid, shall be and continue a town by the name of Montgomery.

Deerpark.

And that all that part of the said county of Orange beginning on the Shawangunk-kill at the southwest corner of the town of Wallkill, and running thence along the said kill, being the boundary line of the said town of Wallkill, to the north part of the farm now or lately occupied by Joseph Wood junior, thence west to the river Mongaap, thence along the said river Mongaap as it runs to the Delaware-river, then along the said river to the town of Minisink, and thence along the northern boundary of the said town of Minisink to the place of beginning, shall be and continue a town by the name of Deerpark.

ULSTER
county into
12 towns, viz.

And that all that part of the county of Ulster bounded easterly by the middle of Hudson's river, southerly by

Orange county, westerly by a line beginning on the line of the said county of Orange two chains and seventy-five links east of the north corner of a tract of land called the Five-Patentees, from thence on a straight line northward to the most easterly bounds of Robert Tift's land where it joins the town of New-Paltz, and northerly by a tract of land granted to Lewis Dubois and partners, called the New-Paltz patent, shall be and continue a town by the name of Marlborough.

And that all that part of the said county of Ulster bounded easterly by Marlborough, southerly by Orange county, westerly by the east bounds of two thousand acres of land granted to Peter Barberie, and the east bounds of two thousand acres of land granted to William Huddleston, and the east bounds of two thousand acres of land granted to Thomas Garland, and northerly by a tract of land granted to Lewis Dubois and partners, called the New-Paltz patent, and a tract of land granted to Noah Elting and Nathaniel LaFever, and a tract of land granted to Anna Mullender, commonly called Mullender's tract, and a tract of land granted to Hugh Freer, and the southerly line thereof continued to the east bounds of the said two thousand acres of land granted to the said Thomas Garland, shall be and continue a town by the name of Platte-Kill.

And that all that part of the said county of Ulster bounded easterly by Orange county and the town of Platte-Kill, southerly by Orange county, westerly by the Platte-Kill-river, and the east foot of the Shawangunk mountains, and northerly by a line beginning at the northeast corner of a tract of two thousand acres of land granted to William Huddleston, and running from thence along the north bounds thereof and the north bounds of two thousand acres of land granted to Peter Matthews and others to the mouth of Shawangunk-kill, and then westerly along the north side of the same kill as it runs to the southwest corner of the land granted to colonel Jacob Rutsen, and then along the westerly bounds thereof to the northwest corner thereof, and then along the southerly bounds of a tract of land granted to Stephen Dubois to the southwest corner thereof, and then northwest to Shawangunk mountains aforesaid, shall be and continue a town by the name of Shawangunk.

And that all that part of the said county of Ulster called the township of Kingston and manor of Fox-Hall, and extending northward to the line of the county of Greene, and southward to the north bounds of a tract of land granted to Lewis Dubois and partners, called the New-Paltz patent, and east to the middle of Hudson's river, shall be and continue a town by the name of Kingston.

Hurley.

And that all that part of the said county of Ulster called the township of Hurley, including all that certain tract of land formerly comprehended within the bounds of the great or Hardenbergh's patent, and released by Margaret Livingston lately deceased to the inhabitants of Hurley, and also all that tract of land beginning in the northwest corner of the New-Paltz patent and running thence south fifty degrees east one hundred and eighteen chains to the east bank of the Wallkill, thence north seventy-one degrees and twenty minutes east one hundred and fifty four chains to where the east bounds of the said township of Hurley intersects the north bounds of New-Paltz, and thence northwesterly along the bounds of the New-Paltz patent to the place of beginning, shall be and continue a town by the name of Hurley.

Marbletown.

And that all that part of the said county of Ulster called Marbletown, shall be and continue a town by the name of Marbletown.

New-Paltz.

And that all that part of the said county of Ulster bounded northerly by Kingston and Hurley, easterly by the middle of Hudson's river, southerly by Marlborough, Platte-Kill and Shawangunk, and westerly by the west bounds of the New-Paltz patent continued southerly to the northwest corner of Shawangunk, shall be and continue a town by the name of New-Paltz.

Woodstock.

And that all that part of the said county of Ulster bounded southerly by the towns of Nevisink, Rochester, Marbletown and Hurley, easterly by Marbletown, Hurley and Kingston, northerly by the bounds of the county, and westerly by the bounds of the county, shall be and continue a town by the name of Woodstock.

Mamakating.

And that all that part of the said county of Ulster bounded westerly by Mongaap-river, northeasterly by the towns of Nevisink and Rochester, easterly by the town of Shawangunk and the county of Orange, and southerly by the county of Orange, shall be and continue a town by the name of Mamakating.

Lumberland.

And that all that part of the said county of Ulster bounded southwesterly and northwesterly by the bounds of the county, northeasterly by the town of Nevisink, and easterly by the town of Mamakating, shall be and continue a town by the name of Lumberland.

Rochester.

And that all that part of the said county of Ulster bounded southeasterly by the towns of Shawangunk and New-Paltz, southwesterly by a line running from the southerly corner of the patent of Rochester where it meets with the northwesterly bounds of the town of Shawangunk at the Shawangunk mountains north forty-nine degrees and thirty minutes west a distance of twelve miles and an half, northwesterly by a line running from thence north forty degrees east till it intersects a line continued north-

westerly from the southwesterly bounds of Marbletown, and northeasterly by Woodstock and Marbletown, shall be and continue a town by the name of Rochester.

And that all that part of the said county of Ulster contained within the following bounds, to wit: Beginning at the most westerly corner of the town of Rochester and running thence along the northwesterly bounds of said town to the most northerly corner thereof, thence northwesterly along a line which is a continuation of the southwesterly bounds of the town of Marbletown, to a line which is a southwesterly continuation of the west bounds of a lot in great lot number eight in the Hardenbergh patent, now or late belonging to Johannah Livingston, then along the last mentioned continuation line south thirty degrees west six miles to the division line of great lots number five and six in said Hardenbergh patent, then along the said division line to the division line between the counties of Ulster and Delaware, thence along the said line south sixty-two degrees west twelve miles and ten chains, and thence south forty-nine degrees and thirty minutes east to the place of beginning, shall be and continue a town by the name of Nevesink.

Nevesink.

And that all that part of the county of Delaware bounded southwesterly and southeasterly by the bounds of the county, northwesterly by a line beginning on the Cookquago branch of the Delaware-river at the most southerly corner of lot number eight in the subdivision of great lot number thirty-five in the Hardenbergh patent, and running thence northeasterly along the line dividing the southeasterly from the northwesterly lots in the subdivision of the said lot number thirty-five, thence continuing the same course till it intersects a line running as follows, viz. From the Delaware-river on the division line between the great lots number thirty-seven and number thirty-eight in the said Hardenbergh patent southeasterly to the northwest corner of a tract of land now or late belonging to Jacob Tremper, then along his bounds southerly to Paghkataghkan-kill, thence the same course continued to the division line between the great lots number five and number six in the said Hardenbergh patent, then southeasterly along the last mentioned line to the east bounds of the county, and northeasterly by the line so intersected as aforesaid and running from Delaware-river to the east bounds of the county, shall be and continue a town by the name of Colchester.

DELAWARE
county into
eleven towns,
viz.

Colchester.

And that all that part of the said county of Delaware bounded southwesterly by Colchester, southeasterly by the bounds of the county, northeasterly by a line continued southeasterly from the Delaware-river between the lots number forty and number forty-one of the original division of the great Hardenbergh patent to the Papachton-

Middletown.

river, thence across the said river to the east bounds of the county, and northwesterly by a line running from a monument in the southerly line of the town of Stamford at the distance of six miles from Delaware-river, southerly on a direct line across the highlands to a monument placed on the northerly bounds of the town of Colchester six miles from Delaware-river, shall be and continue a town by the name of Middletown.

Roxbury.

And that all that part of the said county of Delaware beginning at the most easterly corner of the town of Delhi and running thence easterly to the highest peak of the high mountain where the head of Rose's brook rises, thence following the ridge or chain of mountains northerly from peak to peak to the highway or road on the top of the mountain that leads from the town plot, so called, to the dwelling house now or late of John Moore, esquire, thence due north to the northeasterly bounds of the said county of Delaware, thence southeasterly along the same to the town of Windham, thence along the same southwesterly to the town of Middletown, and thence along the same northwesterly to the place of beginning, shall be and continue a town by the name of Roxbury.

Stamford.

And that all that part of the said county of Delaware bounded westerly by the Delaware-river, northerly by the same and the north bounds of the county, easterly by Roxbury and southerly by the northeasterly line of the town of Delhi, being a continuation of the line above mentioned and described as forming part of the northeasterly bounds of Middletown, shall be and continue a town by the name of Stamford.

Harpersfield.

And that all that part of the said county of Delaware, bounded northeasterly and northwesterly by the bounds of the county, southeasterly by Stamford, and southwesterly by the division line between the patents of Kortright and Harpersfield, shall be and continue a town by the name of Harpersfield.

Delhi.

And that all that part of the said county of Delaware, beginning at a monument on the Cookquago branch of the Delaware-river in the northeasterly line of the town of Walton on the south side of Leake's patent, thence westerly in the line of said patent until it intersects the division line between the towns of Walton and Franklin, thence northerly on said division line continued to the bounds of the town of Meredith, thence southeasterly and northeasterly along the lines of said town to the southerly bounds of a tract of land granted to Goldsbrow Banyar, being the south bounds of the town of Kortright, then along the same to Delaware-river, thence up the same to the southerly bounds of the town of Stamford, thence easterly on said southerly line six miles to the northwest corner of the town of Middletown, thence southwesterly along

the bounds of Middletown to the northerly bounds of Colchester, thence northwesterly along the line above mentioned and described as forming part of the northeasterly bounds of Colchester to the place of beginning, shall be and continue a town by the name of Delhi.

And that all that part of the said county of Delaware Meredith. contained within the following bounds, to wit: Beginning at a stake and stones near the dwelling house now or late of Andrew Dibble standing in the line between the patents of Franklin and Goldsborough as also in the division line between the towns of Delhi and Franklin near Elk-creek, so called, thence south fifty-eight degrees and fifteen minutes west seven miles and three rods to a stake and stones standing in the middle subdivision line of the patent of Whitesborough, thence along said middle line across the division line between the towns of Delhi and Franklin north thirty-one degrees and forty-five minutes west five miles and fifty-one rods and ten links to a small beach tree near the dwelling house now or late belonging to Joseph Brimhall, thence in the line between lots number fourteen, fifteen, four and five of the said patent of Whitesborough north fifty degrees and fifteen minutes east two miles one quarter and eight rods to a stake and stones, thence continuing the same course seven miles and three rods to a certain point bearing north thirty-one degrees and forty-five minutes west and distant fifty-one rods and ten links from a stake and stones near a maple tree blazed and marked IBDZH, and from thence in a line of marked trees south thirty-one degrees and forty-five minutes east five miles fifty-one rods and sixteen links, and from thence south fifty-eight degrees and fifteen minutes west two miles one quarter and eight rods to the place of beginning, shall be and continue a town by the name of Meredith.

And that all that part of the said county of Delaware Kortright. bounded northwesterly by the bounds of the county, northeasterly by Harpersfield, southeasterly by the Delaware-river and the town of Meredith, and southwesterly by the towns of Delhi and Meredith and the northeast line of the tract of land formerly granted to Henry White and others, shall be and continue a town by the name of Kortright.

And that all that part of the said county of Delaware Franklin. bounded northwesterly by the bounds of the county, southeasterly by a line continued from a beach tree marked F W being five miles distant from the Delaware-river on the northeast line of a tract of land formerly granted to Henry White and others south sixty degrees west to the west corner of Delhi, thence south eighty-eight degrees west until it intersects the state road, thence south sixty-two degrees west to the line of property, westerly by a

line beginning at a large black oak tree marked T C standing on the bank of the Susquehanna-river on lot number thirty-three in Wallace's patent, and running thence south fourteen degrees west to the state road, thence due south to the before mentioned line, and northerly by the towns of Meredith and Kortright, shall be and continue a town by the name of Franklin.

Sidney.

And that all that part of the said county of Delaware, bounded northwesterly and westerly by the bounds of the county, and easterly by the town of Franklin and the continuation of said line as forming the westerly bounds of Franklin to the line of property, shall be and continue a town by the name of Sidney.

Walton.

And that all that part of the said county of Delaware bounded northwesterly by Franklin and Sidney, northeasterly by Delhi, southeasterly by Colchester, and southwesterly by the bounds of the county, shall be and continue a town by the name of Walton.

GREENE.
county into
four towns,
via.

Catskill.

And that all that part of the county of Greene bounded southerly and westerly by the county of Ulster and by a line continued from the northwest corner of the town of Kingston in the county of Ulster to the head of Kaaterskill or creek, where the same issues out of the southerly side or end of a certain lake or pond lying in the blue mountains, and from thence in a direct course towards the small lake Utsyantho till it intersects a line beginning at the south bank of the mouth of the Murderer's kill at Lunenburgh, and running from thence north eighty degrees west to the said intersection, and northerly by the said last mentioned line, shall be and continue a town by the name of Catskill.

Windham.

And that all that part of the said county of Greene bounded southeasterly, southerly and westerly by the bounds of the county, easterly by a line running from the northwest corner of Kingston, in the county of Ulster, northerly by Catskill and by the southwesterly line of Catskill continued in the same direction to the bounds of the county, shall be and continue a town by the name of Windham.

Freehold.

And that all that part of the said county of Greene bounded northerly by the county of Albany, westerly by Windham and the west bounds of the county, southerly by Catskill, and easterly by Coeyman's confirmation, and a south line to be drawn from the southwest corner thereof to the town of Catskill, shall be and continue a town by the name of Freehold.

Cocksackie.

And that all that part of the said county of Greene bounded westerly by Freehold, southerly by Catskill, northerly by the county of Albany, and easterly by the county of Columbia, shall be and continue a town by the name of Cocksackie.

And that all that part of the county of Columbia **COLUMBIA** bounded westerly by the county of Greene, northerly by **county into eight towns, viz.** the county of Rensselaer, southerly by the north bounds of the city of Hudson as far as to the first falls in Major **Kinderhook.** Abraham's creek, and from thence running east to the southwest corner of the town of Chatham, and easterly by a line beginning at a point where the southern boundary line of the county of Rensselaer intersects the Latches Vlackie-creek, and running thence southerly through the middle of the said creek to the Little-lake, thence southerly on a direct line through the great Fish-lake to the Gardiner-point at the south end of said lake, thence southerly in a direct line to the bridge on the Kline-kill-creek a little east of the house of Cornelius Van Schaick, thence southerly along the said creek to the southernmost point of the great bend opposite the house formerly belonging to Myndert Vosburgh deceased, thence southerly in a direct line towards the house of Herman Hoffman until it intersects the northern boundary line of the town of Claverack, shall be and continue a town by the name of Kinderhook.

And that all that part of the said county of Columbia **Chatham.** bounded westerly by Kinderhook, northerly by the county of Rensselaer, easterly by a line running from a place in the north line of the county of Columbia thirteen miles distant from Hudson's river, southerly in a direct line until it strikes the northern boundary line of the town of Hillsdale three miles east from the northwest corner thereof, and southerly by the said east line from the first falls in Major Abraham's creek aforesaid continued to the southwest corner of the town of Canaan, shall be and continue a town by the name of Chatham.

And that all that part of the said county of Columbia **Canaan.** bounded westerly by Chatham, northerly by the county of Rensselaer, easterly by the east bounds of the state, and southerly by the said east line from the first falls in Major Abraham's creek aforesaid continued to the east bounds of this state, shall be and continue a town by the name of Canaan.

And that all that part of the said county of Columbia **Claverack.** bounded southerly by the manor of Livingston, westerly by the city of Hudson, northerly by Kinderhook and Chatham, and easterly by a line beginning on the said east line from the first falls on Major Abraham's creek at a place three miles west from the southwest corner of the town of Canaan, and running thence south fourteen degrees west to the manor of Livingston, shall be and continue a town by the name of Claverack.

And that all that part of the said county of Columbia **Hillsdale.** bounded westerly by Claverack, northerly by Chatham and Canaan, easterly by the east bounds of this state, and

southerly by the manor of Livingston, and the north line thereof continued to the east bounds of this state, shall be and continue a town by the name of Milldale.

Clermont.

And that all that part of the said county of Columbia beginning on the south side of the mouth of a certain river commonly called Rockoff Jansen's kill, and running thence along the south side of the said river easterly until it strikes the farm now or late in the occupation of Marcus Platner and Jacob Hermance, and then along the westerly, northerly and easterly part of the same farm to the south side of the said creek or river, and then along the southerly side thereof to the south bend thereof where it meets with the north line of the county of Dutchess, and thence westerly along the line of the county of Dutchess to the middle of Hudson's river, and then northerly up along the middle of Hudson's river to a point opposite to the place of beginning, and then east to the place of beginning, shall be and continue a town by the name of Clermont, excepting thereout the tract of country called the German or East-Camp.

Germantown.

And that all that part of the said county of Columbia commonly called and known by the name of the German or East-Camp shall be and continue a town by the name of Germantown.

Livingston.

And that all the remaining part of the said county of Columbia shall be and continue a town by the name of Livingston.

RENSSELAER county
into eight
towns, viz.

Schodack.

And that all that part of the county of Rensselaer bounded southerly by the county of Columbia, westerly by the county of Albany, including such of the islands in Hudson's river as are nearest the east side thereof, northerly by Greenbush, and easterly by a line continued from the north bounds of the manor of Rensselaerwyck at a place nine miles distant from Hudson's river, southerly to a place in the north line of the county of Columbia ten miles distant from Hudson's river, shall be and continue a town by the name of Schodack.

Stephentown.

And that all that part of the said county of Rensselaer bounded easterly by the east bounds of this state, southerly by the county of Columbia, westerly by Schodack and by the line aforesaid forming the east bounds of the said town of Schodack, and northerly by a line drawn east and west from the south bounds of the farm now or late of Peter Seaman to the east line of Abel Lewis's farm, and extending thence along the summit of a certain mountain in the north part of Stephentown and the range of that summit continued easterly to the east boundary of this state, shall be and continue a town by the name of Stephentown.

Peterburgh.

And that all that part of the said county of Rensselaer bounded southerly by Stephentown, easterly by the east

bounds of this state, northerly by the north bounds of the manor of Rensselaerwyck, and westerly by a line beginning in the same north bounds at a place nine miles distant from Hudson's river, and continued from thence southerly to the northwest corner of Stephentown, shall be and continue a town by the name of Petersburg.

And that all that part of the said county of Rensselaer ^{Greenbush.} beginning at a point on the east bank of Hudson's river sixteen miles distant from the southwest corner of the county, and running thence east to the western bounds of the town of Petersburg, thence southerly along the western bounds of the towns of Petersburg and Stephentown six hundred and thirty-two chains, thence south eighty-six degrees and forty-eight minutes west as the needle pointed in the year one thousand seven hundred and ninety-five unto the county of Albany, thence northerly along the same to the place of beginning, and including such of the islands in Hudson's river as are nearest the east side thereof and are adjacent to the last mentioned line, shall be and continue a town by the name of Greenbush.

And that all that part of the said county of Rensselaer ^{Troy.} bounded southerly by Greenbush, easterly by Petersburg, northerly by the north bounds of the manor of Rensselaerwyck, and westerly by the county of Albany, including such of the islands in Hudson's river as are nearest the east side thereof, shall be and continue a town by the name of Troy.

And that all that part of the said county of Rensselaer ^{Schactikoke.} bounded southerly by Troy, westerly by the bounds of the county, northerly by a line beginning at the mouth of Lewis's creek or kill, and running from thence south eighty-four degrees east to Hosick-river, and easterly and southeasterly by a line running from thence down along Hosick-river as it runs to Veile's or Toll's bridge, and then a direct course to the westernmost corner of Michael Vander Cook's grist mill in Cooksburgh, and from thence in the same direction to the manor of Rensselaerwyck, shall be and continue a town by the name of Schactikoke.

And that all that part of the said county of Rensselaer ^{Pittstown.} bounded southerly by Troy and Petersburg, westerly by Schactikoke, northerly by Schactikoke and the north bounds of the county of Rensselaer, and easterly by a line beginning at the distance of ten miles east from Hudson's river on the north line of Schactikoke, continued east and running from thence to a place in the north bounds of Petersburg at the distance of thirteen miles from Hudson's river, shall be and continue a town by the name of Pittstown.

And that all that part of the said county of Rensselaer ^{Hosick.} bounded easterly by the east bounds of this state, souther-

ly by Petersburg, westerly by Pittstown and northerly by the north bounds of the county of Rensselaer, shall be and continue a town by the name of Hosick.

WASHINGTON county
into sixteen
towns, viz.

Cambridge.

And that all that part of the county of Washington bounded easterly by the east bounds of this state, southerly by the county of Rensselaer, westerly by the east bounds of Saratoga patent, and northerly by the river called Batten-kill, shall be and continue a town by the name of Cambridge.

Easton.

And that all that part of the said county of Washington bounded southerly by the county of Rensselaer, easterly by Cambridge, westerly by the bounds of the county, and northerly by Batten-kill shall be and continue a town by the name of Easton.

Argyle.

And that all that part of the said county of Washington bounded southerly by Easton and Cambridge, westerly by the bounds of the county, northerly by a tract of land called Kingsbury and a tract of land called the Provincial patent, and easterly by the east bounds of a tract of land called the township of Argyle, shall be and continue a town by the name of Argyle.

Salem.

And that all that part of the said county of Washington bounded easterly by the east bounds of this state, southerly by Cambridge, westerly by Argyle, and northerly by the north bounds of a tract of land called Tumer's patent and a line running from the northeast corner thereof east to the east bounds of the county of Washington, shall be and continue a town by the name of Salem.

Hebron.

And that all that part of the said county of Washington bounded easterly by the east bounds of this state, southerly by Salem aforesaid, westerly by Argyle and the said tract of land called the Provincial patent, and northerly by an east and west line run from the southeast corner of a tract of land formerly granted to Lieutenant Byrn, shall be and continue a town by the name of Hebron.

Granville.

And that all that part of the said county of Washington bounded easterly by the east bounds of this state, southerly by Hebron aforesaid, westerly by the said tract called the Provincial patent, and a tract of land called the Artillery patent, and northerly by a tract of land heretofore called Skeensborough and a line running east from the southeast corner thereof to the east bounds of this state, shall be and continue a town by the name of Granville.

Hampton.

And that all that part of the said county of Washington bounded easterly by the east bounds of this state, southerly by Granville aforesaid, westerly by said tract of land heretofore called Skeensborough and a line running from the northeast corner thereof northeast to the north bounds of this state, and northerly by the north bounds of this state, shall be and continue a town by the name of Hampton.

And that all that part of the said county of Washington **Whitehall** bounded easterly by Hampton, southerly by the south bounds of the tract of land heretofore called Skeensborough, westerly by the west bounds of the said tract and the waters of South-bay, and northerly by the north bounds of this state, shall be and continue a town by the name of Whitehall.

And that all that part of the said county of Washington **Kingsbury** bounded easterly by the said tract of land called the Provincial patent, southerly by Argyle and Hudson's river, westerly by the west bounds of a tract of land called Kingsbury, and northerly by the north bounds of the said tract of land called Kingsbury, shall be and continue a town by the name of Kingsbury.

And that all that part of the said county of Washington **Westfield** bounded southerly by Kingsbury and the Provincial patent, easterly by Granville, Whitehall and the state of Vermont, northerly by Whitehall and the north bounds of the said county of Washington, and westerly by Lake-George and a line beginning at the northwest corner of the town of Kingsbury and running in the direction of Kingsbury west bounds till it strikes the waters of Lake-George, shall be and continue a town by the name of Westfield.

And that all that part of the said county of Washington **Hartford** commonly called and known by the name of the Provincial patent lying easterly of the town of Kingsbury, shall be and continue a town by the name of Hartford.

And that all that part of the said county of Washington **Queensbury** bounded easterly by Westfield and Kingsbury, and separated from Westfield by a line beginning at the northwest corner of the town of Kingsbury, and running in the direction of Kingsbury west bounds till it strikes the waters of Lake-George, westerly by Fairfield, northerly by Lake-George and a line running from the mouth of M'Auley's creek near the south end of said lake direct to the northeast corner of the town of Fairfield, and southerly by the bounds of the county, shall be and continue a town by the name of Queensbury.

And that all that part of the said county of Washington **Fairfield** beginning at the southwest corner of the lands granted by the ancient letters patent of the town of Queensbury, and running from thence north along the west line of the lands granted by the said letters patent, and continuing a north line until it intersects a west line from Fort-George at the south end of Lake-George, thence west on the last mentioned line to the bounds of the county in the river Hudson, thence down the same following the bounds of the county to the place of beginning, shall be and continue a town by the name of Fairfield.

And that all that part of the said county of Washington **Bolton**.

Beginning at the mouth of M'Auley's creek, thence up the said creek until it shall have crossed the road that leads from Lake-George to Scatoon-river five rods from the centre of the said road, thence westerly following the course of the said road at the distance of five rods from the centre two miles from the place of beginning, then crossing the road at right angles ten rods from the last mentioned corner, thence following the course of the said road at the distance of five rods from the centre to Scatoon-river, thence northerly on the east bank of Scatoon-river and lake to the south line of Essex county, thence east on the south line of Essex county to the east side of Lake-George, thence southerly on the east bank of Lake-George to the place of beginning, shall be and continue a town by the name of Bolton.

Chester.

And that all that part of the said county of Washington beginning on the east bank of Hudson's river where the south line of Essex county crosses the said river, thence due east on the south line of Essex county to the east side of Scatoon-lake to the west line of the town of Bolton, thence southerly on the west line of the said town of Bolton to the north corner of what was formerly called Hyde township, thence south fifty-nine degrees west to the river Hudson, thence northerly on the east bank of the said river to the place of beginning, shall be and continue a town by the name of Chester.

Thurman.

And that all that part of the said county of Washington bounded southerly by Queensbury, Fairfield and the south bounds of the county, westerly by the west bounds of the county, northerly by the bounds of the county and by Chester and Bolton, shall be and continue a town by the name of Thurman.

ESSEX county into four towns, viz.

Crownpoint.

And that all that part of the county of Essex bounded southerly by the south bounds of the said county of Essex, westerly by the west bounds of the said county, northerly by a line beginning at the northeast corner of a tract of land granted to Major Small, and continued east to the east bounds of this state, and continued west along the north line of the said patent and in the same direction to the west bounds of the county, and easterly by the east bounds of this state, shall be and continue a town by the name of Crownpoint.

Elizabeth-Town.

And that all that part of the said county of Essex bounded southerly by Crownpoint, west by the west bounds of the county, northerly by the south line of Judd's patent continued easterly to the east bounds of this state, and westerly till it intersects the west bounds of the county aforesaid, and easterly by the east bounds of this state, shall be and continue a town by the name of Elizabeth-Town.

Willborough.

And that all that part of the said county of Essex

bounded southerly by Elizabeth-Town, westerly by Jay, northerly by the north bounds of the said county, and easterly by the east bounds of this state, shall be and continue a town by the name of Willborough.

And that all that part of the said county of Essex Jay. bounded easterly by a line beginning where the military line intersects the north bounds of Elizabeth-Town, then north to the twelve mile tree, then north forty-five degrees east to a line continued west from the south bounds of a tract of three thousand six hundred acres of land granted to Matthew Adgate, northerly by said line continued as aforesaid and the north bounds of the county, westerly by the west bounds of the county, and southerly by Elizabeth-Town, shall be and continue a town by the name of Jay.

And that all that part of the county of Clinton, bounded CLINTON
county into
five towns,
viz.
Peru.
northerly by a line beginning in the east bounds of this state on an east point from the southeast corner of a tract of land granted to John Friswell, from thence running west on the south line of the tract aforesaid to the southwest corner thereof, then north to Plattsburgh patent, then west on the south line of the patent aforesaid and the same course westward to the west bounds of the county of Essex continued north, westerly by the last mentioned line, southerly by the bounds of the county, and easterly by the east bounds of this state, shall be and continue a town by the name of Peru.

And that all that part of the said county of Clinton Plattsburgh. bounded southerly by Peru, westerly by the west bounds of the county of Essex continued north, northerly by the town of Chateauga and the north line of a patent granted to William Beckman and others continued westward to the town of Chateauga, and eastward to the east bounds of this state, and easterly by the east bounds of this state, shall be and continue a town by the name of Plattsburgh.

And that all that part of the said county of Clinton Champlain. bounded southerly by Plattsburgh, easterly by the east bounds of this state, northerly by the north bounds of this state, and westerly by the town of Chateauga, shall be and continue a town by the name of Champlain.

And that all that part of the said county of Clinton Chateauga. bounded northerly by the north bounds of this state, westerly by the west bounds of the county of Essex continued north, southerly by the south bounds of townships number eight and five in a tract of land in the said county formerly set apart for the use of the troops of the line of this state lately serving in the army of the United States, and said south bounds continued to the west bounds of the county, and easterly by the east bounds of township number five aforesaid and of township number six in the said tract, shall be and continue a town by the name of Chateauga.

Lisbon.

And that all the remaining part of the said county of Clinton, shall be annexed to and form part of the town of Lisbon.

SARATOGA
county into
twelve towns
viz.

Halfmoon.

And that all that part of the county of Saratoga bounded northerly by Ballstown, and also by Anthony's kill and a line from that part of the said kill where it comes out of the Round-lake to the southeast corner of Ballstown, easterly by the east bounds of the county, southerly by the middle of the Mohawk-river and its most northerly sprout, westerly by the west bounds of the county and a line running from the south end of the Long-lake south fifty-three degrees west along the established bounds of Ballstown to the bounds of Albany county, shall be and continue a town by the name of Halfmoon.

Stillwater.

And that all that part of the said county of Saratoga bounded southerly by Halfmoon, easterly by the east bounds of the county, northerly by the north bounds of lot number seventeen in Saratoga patent continued in the same direction west to the town of Milton, and westerly by Ballstown and Milton, shall be and continue a town by the name of Stillwater.

Saratoga.

And that all that part of the said county of Saratoga bounded northerly by Northumberland and Greenfield, easterly by the county of Washington, southerly by Stillwater, and westerly by a north line continued from the northeast corner of Ballstown to the town of Greenfield, shall be and continue a town by the name of Saratoga.

Greenfield.

And that all that part of the said county of Saratoga, beginning at the southeast corner of lot number seven in the seventeenth allotment of the patent of Kayaderosseras, thence running north along the east bounds thereof to the southerly bounds of the twenty-second allotment of the said patent, thence northeasterly along the same to the southwest corner of the twenty-third allotment of the said patent, thence northerly along the west bounds thereof to the southwest corner of the twenty-fifth allotment of the said patent, from thence north to Hudson's river, thence along the west bounds of the county of Washington to the north bounds of the said county of Saratoga, thence west to the northeast corner of the town of Providence in the said county of Saratoga, thence south on the east line of the same to the north bounds of the sixteenth allotment of the patent aforesaid, and from thence easterly along the same to the place of beginning, shall be and continue a town by the name of Greenfield.†

Northumberland.

And that all that part of the said county of Saratoga beginning on Hudson's river at the northeast corner of the tenth general allotment of the patent of Kayaderosseras, from thence along the north bounds thereof and the north bounds of the ninth and sixteenth allotments of the

† Part of this town is erected into a new town by the name of Hadley.—See the last section of this act, and the following act. E.

said patent west to the southeast corner of the town of Greenfield, thence northerly along the east bounds thereof to the middle of Hudson's river, thence down the said river on the bounds of the county of Washington to a point due east from the place of beginning, thence west to the place of beginning, shall be and continue a town by the name of Northumberland.

And that all that part of the said county of Saratoga **Milton.** bounded northerly by Greenfield, easterly by Saratoga, southerly by a line beginning in the southeast corner of the fourteenth allotment in the general division of the patent of Kayaderosseras, and running thence west along the south bounds of the said allotment to the middle of the south bounds of lot number nine in the subdivision of the allotment aforesaid, and westerly by a line running from thence due north to the southwest corner of the town of Greenfield, shall be and continue a town by the name of Milton.

And that all that part of the said county of Saratoga **Providence.** beginning at the northwest corner of the town of Milton, and running thence a west course on a parallel line with the north bounds of the town of Charlton to the county of Montgomery, and thence north on the east line of the county of Montgomery to the north bounds of the county of Saratoga, and thence east on the said north bounds to a line running north from the northeast corner of Milton, thence south along said line to the place of beginning, shall be and continue a town by the name of Providence.*

And that all that part of the said county of Saratoga **Galway.** bounded easterly by Milton, southerly by a line running from the southwest corner of Milton, west along the south bounds of the said fourteenth allotment to the line of the county of Montgomery, westerly by Montgomery county, and northerly by Providence, shall be and continue a town by the name of Galway.

And that all that part of the said county of Saratoga **Charlton.** bounded by a line beginning at the southwest corner of the town of Galway, and running thence south along the east bounds of the county of Montgomery to the north bounds of the county of Albany, thence easterly along the north bounds of the county of Albany until a north line as the needle pointed in the year one thousand seven hundred and ninety-five will strike the southwest corner of the tract of land commonly called the five mile square, thence northerly to the southwest corner of the said five mile square, thence along the west bounds of the said five mile square to the south bounds of the town of Milton, thence along the south bounds of Milton and Galway to the place of beginning, shall be and continue a town by the name of Charlton.

* Part of this town is erected into a new town by the name of Northfield—See the last section of this act and the act but one thereafter. E.

Ballstown.

And that all that part of the said county of Saratoga bounded westerly by Charlton, southerly by the north bounds of the county of Albany and by Halfmoon, easterly by Stillwater and northerly by Milton, shall be and continue a town by the name of Ballstown.

ALBANY
county into
eight towns
viz.

Schenectady.

And that all that part of the county of Albany bounded northerly by the county of Saratoga, easterly by Halfmoon and Watervliet, southerly by the north bounds of the manor of Rensselaerwyck, and westerly by the county of Montgomery, and a line running from that part of the Mohawk-river where the line of the county of Montgomery comes to the said river south to the manor of Rensselaerwyck, excepting thereout the tract of land called Corey's bush and the church land adjoining the patent of Schenectady on the south side of the Mohawk-river, shall be and continue a town by the name of Schenectady.

Princetown.

And that all that part of the said county of Albany known by the name of Corey's bush together with the church land adjoining the patent of Schenectady on the south side of the Mohawk-river, shall be and continue a town by the name of Princetown.

Duanesburgh.

And that all that part of the said county of Albany bounded on the north by the county of Montgomery, on the west by the Schoharie-river and the Schoharie patent, on the south by the north bounds of lands granted to Johannis Lawyer and others and the south bounds of lands granted to captain Jonathan Brewer and the manor of Rensselaerwyck, and on the east by Princetown, shall be and continue a town by the name of Duanesburgh.

Bern.

And that all that part of the said county of Albany beginning at the northwest corner of the manor of Rensselaerwyck, and running thence along the west bounds of the said manor southerly to the northwest corner of lot number three hundred and forty-nine, thence easterly along the tier of lots to the northeast corner of lot number three hundred and seventy-two, then northerly to the northeast corner of lot number eight hundred and thirty-two, then with a straight line till a course north twenty-six degrees west intersects the Bozen-kill, then along the last mentioned course and the said kill or creek northwesterly as it runs to where the said manor line intersects the same, then westerly along the northerly bounds of said manor to the place of beginning, shall be and continue a town by the name of Bern.

Rensselaer-
ville.

And that all that part of the said county of Albany bounded northerly by Bern, westerly by the west bounds of the manor of Rensselaerwyck, southerly by the county of Greene, and easterly by a line beginning at the place where the west bounds of Coeymans patent of confirmation intersects the south bounds of the manor of Rensselaerwyck, thence northerly along the west bounds of the

said patent of confirmation to the northwest corner thereof, thence easterly along the north bounds thereof to the place where the continuation of the east line of the town of Bern intersects the same, thence along said line northerly to the southeast corner of Bern, shall be and continue a town by the name of Rensselaerville.

And that all that part of the said county of Albany ^{Coeymans} bounded westerly by Rensselaerville southerly by the south bounds of the county, easterly by the east bounds of the county, and northerly by the north bounds of Coeymans patent of confirmation, shall be and continue a town by the name of Coeymans.

And that all that part of the said county of Albany ^{Bethlehem} bounded northerly by the south bounds of the city of Albany so far westerly as to intersect an east line from the junction of the Vly-kill with the Normans-kill, then west through the said junction to the east bounds of the town of Bern, westerly by Bern and Rensselaerville, southerly by Coeymans patent of confirmation, and easterly by the east bounds of the county, shall be and continue a town by the name of Bethlehem.

And that all that part of the said county of Albany ^{Watervliet} bounded southerly by the north bounds of Bethlehem as aforesaid, westerly by a line drawn from the northwest corner of the said town of Bethlehem on a course north twenty-six degrees west until it intersects the Bozen-kill, then up along the said kill to the north bounds of the manor of Rensselaerwyck, northerly by the north bounds of the county, and easterly by Hudson's river, including the islands in the same lying nearest the west side thereof and excluding the city of Albany, shall be and continue a town by the name of Watervliet.

And that all that part of the said county of Schoharie ^{SCHOHARIE} beginning at a point in the west bounds of the county of ^{county into} Albany two miles southerly of the place where Foxes' ^{fix towns,} creek intersects said west bounds, thence westerly to the ^{via.} place where Weaver's stony creek originally emptied itself into the Schoharie-creek, and thence westerly to the place where the Cobels-kill road crosses the Punch-kill, thence with a straight line to a point in the south bounds of the county of Montgomery five miles westerly of Schoharie-creek, thence easterly along the county of Montgomery to Duanesburgh, thence along the westerly and southerly bounds of Duanesburgh and the west bounds of the county of Albany to the place of beginning, shall be and continue a town by the name of Schoharie. ^{Schoharie.}

And that all that part of the said county of Schoharie ^{Middleburgh} beginning at the place where the Cobels-kill road crosses the Punch-kill, thence with a straight line to the northwest corner of a patent granted to Michael Byrns and others, thence with a straight line to the west corner of the

house now or late of Jacob Best near the head of the north branch of the West-kill, thence continuing the same line to a tract of land called Blenheim, thence easterly along the northerly bounds of Blenheim until it strikes Schoharie-creek, thence easterly with a straight line to the northeast corner of the dwelling house now or late of Moses Winter, thence with the same line continued to the west bounds of the county of Albany, thence northerly along the same to the southeast corner of the town of Schoharie, thence along the southerly bounds thereof to the place of beginning, shall be and continue a town by the name Middleburgh.

Blenheim.

And that all that part of the said county of Schoharie beginning in the middle of Schoharie-creek where the same is intersected by the southerly bounds of the town of Middleburgh, thence along the northern bounds of a tract of land called Blenheim to the northwest corner thereof, thence continuing the same line to the county of Otsego, thence along the easterly bounds of Otsego to the county of Delaware, thence along the northerly bounds thereof to the middle of Schoharie-creek, thence northerly through the middle of said creek to the place of beginning, shall be and continue a town by the name of Blenheim.

Bristol.

And that all that part of the said county of Schoharie, beginning at the northeast corner of the town of Blenheim, thence southerly along the easterly line of the said town to where the said creek is intersected by the south bounds of the county of Schoharie, thence easterly along the said south bounds to the county of Albany, thence northerly along the same to the southeast corner of the town of Middleburgh, thence westerly along the south bounds of the same to the place of beginning, shall be and continue a town by the name of Bristol.

Cobleskill.

And that all that part of the said county of Schoharie beginning at a point in the northern boundary line of the county of Schoharie six miles and a half westerly of the northwest corner of the town of Schoharie in the said county, thence southerly in a direct line to the west corner of the dwelling house now or late of William Farris, thence in a straight line to the westerly corner of the dwelling house now or late of John Reddington, thence in a direct line to the westerly corner of the dwelling house now or late of Peter Bogardus, and thence in a straight line to the northerly corner of the dwelling house now or late of Joseph Webb, thence in a direct line to the westerly corner of the dwelling house now or late of Nicholas Smith, thence southwesterly to the nearest point in the division line between the counties of Schoharie and Otsego, thence southerly along the bounds of the county of Otsego to the northwest corner of the town of Blenheim, thence easterly along the north bounds thereof to the

southwest corner of the town of Middleburgh, thence northerly along the westerly bounds of the towns of Middleburgh and Schoharie to the north bounds of the county, and then along the same west to the place of beginning, shall be and continue a town by the name of Cobleskill.

And that all the residue or remaining part of the said county of Schoharie, shall be and continue a town by the name of Sharon.

Sharon.

And that all that part of the county of Montgomery beginning in the Mohawk-river at the point where it intersects the division line between the counties of Montgomery and Albany, and running from thence westerly along the said river until a small bridge in the main road near to Victor A. Putman's house shall be due north, thence running north six miles, thence running an easterly course so as to strike the west bounds of the county of Saratoga six miles north of the river Mohawk, thence south along the west bounds of the county of Saratoga, and also along the west bounds of the county of Albany to the place of beginning, shall be and continue a town by the name of Amsterdam.

MONTGOMERY county
into twelve
towns, viz.

Amsterdam.

And that all that part of the said county of Montgomery beginning at the northeast corner of Amsterdam, thence running westerly along the northerly bounds of the said town to the middle of the said boundary line, thence due north to the town of Northampton, thence easterly along the southerly bounds of the said town of Northampton to the east bounds of the county, thence south along the same to the place of beginning, shall be and continue a town by the name of Broadalbin.

Broadalbin.

And that all that part of the said county of Montgomery beginning at the northeast corner of the town of Broadalbin at the place where the southerly bounds of Godfrey Shoe's farm is intersected by the division line between the counties of Saratoga and Montgomery, thence west as the magnetic needle now directs to the division line between the town of Mayfield and the said town of Broadalbin, thence along the same northerly to the county of Clinton, thence along the same easterly to the county of Essex, thence along the westerly bounds thereof and the westerly bounds of the counties of Washington and Saratoga to the place of beginning, shall be and continue a town by the name of Northampton.

Northampton.

And that all that part of the said county of Montgomery, beginning at the southwest corner of the town of Broadalbin, thence running along the northerly bounds of the town of Amsterdam to the northwest corner thereof, thence due north to the north bounds of the state, thence easterly along the same to the bounds of the town of Northampton, then southerly along the same and the west bounds of Broadalbin to the place of beginning, shall be and continue a town by the name of Mayfield.

Mayfield.

Johnstown.

And that all that part of the said county of Montgomery bounded easterly by Mayfield and Amsterdam, southerly by the Mohawk-river, westerly by a line running from the hill called Anthony's nose north to the county of Clinton, and northerly by the county of Clinton, shall be and continue a town by the name of Johnstown.

Salisbury.

And that all that part of the said county of Montgomery bounded south by the town of Manheim, west by the county of Herkimer, north by the county of Herkimer and the county of Clinton, and east by the East Canada-creek and a line running north to the county of Clinton from the place where the south bounds of Jersey-field intersect the said creek, shall be and continue a town by the name of Salisbury.

Manheim.

And that all that part of the said county of Montgomery beginning on the west side of the East Canada-creek where it empties into the Mohawk-river, thence westerly up said river to the division line between the counties of Montgomery and Herkimer, thence north along the same until an east line or course strikes the northwest corner of a large lot number fourteen in a tract of land called Glen's purchase, thence easterly to the northeast corner of Glen's purchase, thence east to the said East Canada-creek, thence southerly along the same to the place of beginning, shall be and continue a town by the name of Manheim.

Palatine.

And that all that part of the said county of Montgomery bounded southerly by the Mohawk-river, westerly by Manheim and Salisbury, northerly by the county of Clinton, and easterly by Johnstown, shall be and continue a town by the name of Palatine.

Minden.

And that all that part of the said county of Montgomery beginning at the Mohawk-river where the Otsquago-creek falls into the river, from thence up the middle of the said creek to its junction with the Otsquene-creek, from thence with a straight line to the northeast corner of Springfield patent in the division line of the counties of Otsego and Montgomery, from thence along said line westerly to the division line of the counties of Herkimer and Montgomery, then along the same northerly to the Mohawk-river, thence down along the said river to the place of beginning, shall be and continue a town by the name of Minden.

Canajoharie.

And that all that part of the said county of Montgomery bounded northerly by the Mohawk-river, westerly by Minden, southerly by the south bounds of the county, and easterly by a line running from the hill called Anthony's nose south until it strikes the south bounds of the county, shall be and continue a town by the name of Canajoharie.

Charleston.

And that all that part of the said county of Montgomery bounded westerly by Canajoharie, northerly by the Mohawk-river, easterly by the middle of Schoharie-creek, and southerly by the south bounds of the county, shall be and continue a town by the name of Charleston.

And that all that part of the said county of Montgomery bounded westerly by Charleston, northerly by the Mohawk-river, easterly and southerly by the bounds of the county, shall be and continue a town by the name of Florida.

Florida.

And that all that part of the county of Herkimer bounded northerly by the Mohawk-river, easterly by the east bounds of the county, southerly by Warren, and westerly by Frankfort, shall be and continue a town by the name of German-Flatts.

HERKIMER
county into
eight towns,
viz.German-
Flatts.

And that all that part of the said county of Herkimer, beginning at the south side of the Mohawk-river in the middle of the mouth of a small stream which enters the said river a few rods east of the house now or late of William Dygert, which stream is known by the name of Dygert's mill-creek, and running from thence south thirty degrees west until it meets the southern line of a tract of land granted to Coenrad Frank and others, thence westerly along the said southern line to the southwest corner of the said grant, thence westerly with a straight line to the southeast corner of Whitestown in the west bounds of the county, thence northerly along the same to the Mohawk-river, thence down and along the river to the place of beginning, shall be and continue a town by the name of Frankfort.

Frankfort.

And that all that part of the said county of Herkimer bounded northerly by Frankfort, westerly and southerly by the bounds of the county, and easterly by a line beginning at the southeast corner of the town of Frankfort, and running thence south thirty degrees west to the south bounds of the county, shall be and continue a town by the name of Litchfield.

Litchfield.

And that all that part of the said county of Herkimer bounded westerly by Litchfield, southerly and easterly by the bounds of the county, and northerly by a line beginning at the northeast corner of the town of Litchfield, and running thence easterly along the southern line of the tract of land granted to Coenrad Frank and others until it meets the southwest corner of a tract of land granted to Guy Johnson, thence easterly along the southern bounds thereof to the east bounds of the county, shall be and continue a town by the name of Warren.

Warren.

And that all that part of the said county of Herkimer bounded southwesterly by the Mohawk-river, northwesterly by the bounds of the county, northeasterly and easterly by the West Canada-creek and a line running from the Little-Falls in the same creek southerly on a direct line to the northeast corner of a tract of land called Kast's patent, thence along the eastern line of the said tract of land to the Mohawk-river, shall be and continue a town by the name of Schuyler.

Schuyler.

And that all that part of the said county of Herkimer bounded easterly by the bounds of the county, southerly

Herkimer.

by the Mohawk-river, westerly by Schuyler, and northerly by a line beginning on the middle line in Glen's purchase on the division line of Montgomery and Herkimer counties, and running thence westerly along the said middle line of Glen's purchase to the southwest corner of lot number seven, thence northwardly to the northeast corner of lot number five in the said purchase, from thence westerly along the line between lot number five and lot number six in a direct course to the West Canada-creek, shall be and continue a town by the name of Herkimer.

Fairfield.

And that all that part of the said county of Herkimer bounded southerly by Herkimer, easterly by the east bounds of the county, westerly by the West Canada-creek, and northerly by a line beginning at the northwest corner of lot number thirty-seven part of the second line of lots in the second allotment of a tract commonly called the Royal-Grant which corner intersects the said west Canada-creek, and running thence east to the east bounds of the county, shall be and continue a town by the name of Fairfield.

Norway.

And that all that part of the said county of Herkimer bounded southerly by Fairfield, easterly and westerly by the bounds of the county, and northerly by the county of Clinton, shall be and continue a town by the name of Norway.

ONEIDA
county into
twenty towns
viz.
Bridgewater.

And that all that part of the county of Oneida bounded southerly, easterly and westerly by the bounds of the county, and northerly by a line running due east from the northeast corner of the twentieth of the twenty townships as surveyed and laid out by the surveyor-general of this state to the east bounds of the county, and west from the same corner on the north line of the said twentieth township to the west bounds of the county, shall be and continue a town by the name of Bridgewater.

Deerfield.

And that all that part of the said county of Oneida bounded southerly by the Mohawk-river, westerly by a line beginning at the mouth of the Nine-mile-creek on the Mohawk-river, and running from the mouth of the said creek on a direct line four miles towards a point in the east line of a tract of land granted to the Baron De Steuben one mile and an half south of the northwest corner of Service's patent, so called, northerly by Trenton, and easterly by the east bounds of the county, shall be and continue a town by the name of Deerfield.

Trenton.

And that all that part of the said county of Oneida bounded westerly by the town of Steuben and the west line of Deerfield continued to the tract of land granted to the Baron De Steuben, northerly by a line parallel with the north bounds of Service's patent to the West Canada-creek, easterly by the east bounds of the county and a line running from the northwest corner of lot number fifty-five in

Gage's patent, so called, on the west line of said patent, southerly to the northwesterly corner of lot number eighteen in said patent, and southerly by a straight line drawn thence to the place of beginning, shall be and continue a town by the name of Trenton.

And that all that part of the said county of Oneida **Paris** bounded southerly by Bridgewater, and the south bounds of the county, westerly by the east line of the Oneida reservation, northerly by a line beginning on the east line of the Oneida reservation at the southerly corner of the town of Westmoreland, and running thence northeasterly along the line of the last mentioned town to a bridge called Stillman's bridge on the Oriscany-creek, thence running southeasterly to the dwelling house now or late of Joseph Fairwell being on lot number eighty in the seventh division of Cox's patent not including the said house, then southerly in a direct line until it meets the road called the New-Hartford road where the said road crosses the creek a few rods westerly from the dwelling house now or late of Samuel Wells, thence southerly on a direct line to the southwest corner of lot number seven in the seventh division of Cox's patent aforesaid, thence a direct east course to the east bounds of the county, and easterly by the east bounds of the county, shall be and continue a town by the name of Paris

And that all that part of the said county of Oneida **Whitestown** bounded southerly by Paris, easterly by the east bounds of the county, northerly by the Mohawk-river and part of the south bounds of the town of Rome, and westerly by Paris and Westmoreland, shall be and continue a town by the name of Whitestown.

And that all that part of the said county of Oneida **Remsen** bounded easterly by the east bounds of the county, northerly by the north bounds of *this state*,* southerly by Trenton, and westerly by a line running from the northwest corner of the town of Trenton along the east bounds of a tract of land granted to Baron De Steuben to the northeast corner thereof, thence northerly to the county of Clinton, shall be and continue a town by the name of Remsen.

And that all that part of the said county of Oneida **Floyd** beginning at the northwest corner of great lot number thirty-six in Fonda's patent, and running along the west bounds of said lot and lots number sixty, sixty-three and seventy-one in said Fonda's patent and the same course continued till it strikes the Mohawk-river, thence down the said river to the mouth of the Nine-mile-creek, thence northerly along the west bounds of Deerfield and Trenton until a west line shall intersect the northeast cor-

* This is probably a mistake—The words in italics ought to be "*the county*," as the county of Clinton lies north of this town. **E.**

per of great lot number forty-one in said Fonda's patent, then along said line and the north bounds of lot number forty-one and lots number forty, thirty-nine, thirty-eight, thirty-seven and thirty-six in said Fonda's patent to the place of beginning, shall be and continue a town by the name of Floyd.

Steuben.

And that all that part of the said county of Oneida within the limits and bounds following, viz. Beginning at the southwest corner of lot twenty-seven in Fonda's purchase joining the town of Floyd, thence running northerly along the westerly line of said lot and continued in that direction to the north side of a tract of land now or late belonging to John Lansing, thence easterly along the northerly side of said Lansing's land and continued in that direction to the town of Remsen, thence southerly on the west line of Remsen and Trenton to the northeast corner of the town of Floyd, thence westerly on the line of said town to the place of beginning, shall be and continue a town by the name of Steuben.

Western.

And that all that part of the said county of Oneida bounded easterly by Steuben, northerly by a line running westerly from the northwest corner of Steuben along the northerly line of John Lansing's land and continued in the same direction until it strikes Fish-creek, thence down said creek to the north line of Rome, thence easterly along said line to the place of beginning, shall be and continue a town by the name of Western.

Leyden.

And that all that part of the said county of Oneida bounded easterly by Remsen, southerly by Steuben and Western, westerly by Camden, Turin, Lowville, Champion, Watertown and the west bounds of the state, and northerly by the county of Clinton, shall be and continue a town by the name of Leyden.

Rome.

And that all that part of the said county of Oneida bounded easterly by Floyd, northerly by a line to begin at the northwest corner of Floyd and running a direct course along the north bounds of great lots number thirty-five, thirty-four, thirty-three, thirty-one, thirty, twenty-nine and eighty-three in Fonda's patent to Canada-creek, thence down and along the same to its junction with Wood-creek, thence southeasterly along the line of the Oneida reservation till it strikes a line running due west from the mouth of the Nine-mile-creek, then easterly along that line to the mouth of the Nine-mile-creek, together with all that part of township number two in Scriba's patent lying east of Fish-creek and south of Western, shall be and continue a town by the name of Rome.

Camden.

And that all that part of the said county of Oneida included within the following bounds, to wit: Beginning at the northwest corner of township number four in George Scriba's patent, thence southerly and easterly on the line between townships number four and five, six and

seven, ten and eleven continued to the south shore of the Oneida-lake, thence easterly along the southerly side of the said lake to the mouth of Wood-creek, thence up the said creek to where the same is intersected by the line of division between townships number two and nine, thence north on the line between the townships number two and nine until the same is intersected by the main branch of Fish-creek, thence up said creek following the said main branch thereof to the north bounds of Scriba's patent, thence westerly on the north bounds of said patent to the place of beginning, shall be and continue a town by the name of Camden.

And that all that part of the said county of Oneida known and distinguished by township number twelve in a tract or patent of land commonly called Constable's tract, which said township is bounded northerly by township number seven, easterly by number thirteen, westerly by number eleven, and southerly by the north line of Scriba's patent, so called, shall be and continue a town by the name of Redfield.

And that all that part of the said county of Oneida known and distinguished by townships number one, two and three in a tract of land belonging to Henry Champion and others, which said townships are bounded northerly by the Black-river, westerly by Hungry-bay, so called, southerly by townships number six, seven, eight and nine, and easterly by township number four, all in the same tract, shall be and continue a town by the name of Watertown.

And that all that part of the said county of Oneida distinguished by township number four and so much of township number five in the tract aforesaid as is situated westerly of Deer-creek, so called, which parcels are bounded northerly by the said Black-river, easterly by the said Deer-creek, westerly by the said township number three, and southerly by the said township number nine and township number ten in the same tract, shall be and continue a town by the name of Champion.

And that all that part of the said county of Oneida distinguished by township number eleven, and so much of the said township number five in the tract aforesaid as is situated easterly of the said Deer-creek, which said parcels are bounded northeasterly by the said Black-river, northwesterly by the said Deer-creek and the said township number ten, and southerly by townships number four and five in a tract of land belonging to William Constable and others, shall be and continue a town by the name of Lowville.

And that all that part of the said county of Oneida bounded as follows, to wit: Beginning at the most northerly corner of a tract of twenty-five thousand acres of land

belonging to Lemuel Storrs and others at a maple tree standing upon the bank of the said Black-river, thence running south thirty-seven degrees and thirty minutes west along the northwesterly line of said tract to the northerly line of Scriba's patent, thence westerly along the southerly line of the said Constable's tract till the same is intersected by the division line between the said township number twelve and township number thirteen in the same tract, thence northerly in the said division line and the division line between townships number seven and eight, two and three to the northerly extremity thereof, thence easterly along the northerly lines of townships number three, four and five to the said Black-river, thence southeasterly up the waters thereof to the place of beginning, shall be and continue a town by the name of Turin.

Mexico.

And that all that part of the said county of Oneida bounded easterly by Camden, Redfield, Turin and Lowville, northerly by Watertown, Champion, and a line drawn west from the mouth of Black-river, westerly by the bounds of the county, and southerly by the bounds of the county, shall be and continue a town by the name of Mexico.

Westmoreland.

And that all that part of the said county of Oneida bounded westerly by the west bounds of the county, southerly by the town of Augusta, northerly by Rome and Camden, and easterly by a line beginning at the southeasterly corner of a tract of land granted to Abraham Wemple, and running thence at right angles with the old line of property southwesterly to Augusta, and northeasterly until it meets the Oriskany-creek, thence down the said creek to the south bounds of the Oriskany patent, thence northwesterly parallel with the old line of property to Rome, shall be and continue a town by the name of Westmoreland.

Augusta.

And that all that part of the said county of Oneida bounded westerly and southerly by the county of Chenango, easterly by Paris and Westmoreland, and northerly by the southernmost great Genesee road, shall be and continue a town by the name of Augusta.

OTSEGO
county into
fourteen
towns, viz.
Springfield.

And that all that part of the county of Otsego beginning on the east bank of Lake-Otsego at the southwest corner of a patent granted to John Groesbeck and others, and running easterly and northerly along the bounds of the said patent to the northeast corner thereof, then westerly along the north bounds thereof and the same line continued to the county of Herkimer, then southerly along the east bounds of the said county and the east bounds of the town of Otsego to Lake-Otsego, then easterly and southerly along the waters thereof to the place of beginning, shall be and continue a town by the name of Springfield.

And that all that part of the said county of Otsego be- ^{Middlefield.}
ginning at the mouth of Cherry-Valley-creek and running
due east to the east bounds of a patent granted to Volkert
Othoudt and others, then northerly along the bounds
thereof to the south bounds of great lot number four in
the said patent, then westerly along the bounds thereof to
the west bounds of the said patent, then northerly along
the bounds of the said patent to the northwest corner
thereof, then by a line to the southwest corner of a patent
known by the name of Beaverdam, then northerly along
the west bounds thereof to a patent granted to John Lind-
sey, then westerly and northerly along the bounds thereof
to the town of Springfield, then westerly along the bounds
thereof to Lake-Otsego, then northerly and westerly along
the town of Springfield to the town of Otsego, then south-
erly along the town of Otsego and the town of Milford to
the place of beginning, shall be and continue a town by
the name of Middlefield.

And that all that part of the said county of Otsego be- ^{Worcester.}
ginning at the mouth of the Adequatangie or Charlotte-
creek, and running along the northerly bounds of the
county of Delaware to the county of Schoharie, then
northerly along the bounds thereof to the second allot-
ment of the tract of land called the Belvidere patent, then
west along the south bounds of the said allotment to a pa-
tent granted to Alexander McGee and others, then
northerly along the east bounds thereof to the northeast
corner of lot number two in the said patent, then west-
erly along the north bounds thereof and the same line
continued to the town of Middlefield, then southerly and
westerly along the east and southerly bounds thereof to
the town of Milford, then southerly along the same to the
place of beginning, shall be and continue a town by the
name of Worcester.

And that all that part of the said county of Otsego, <sup>Cherry-Val-
ley.</sup>
bounded easterly by the bounds of the county, southerly
by Worcester, westerly by Middlefield and Springfield,
and northerly by the bounds of the county, shall be and
continue a town by the name of Cherry-Valley.

And that all that part of the said county of Otsego con- ^{Otsego.}
tained within the following bounds, to wit : Beginning at
the southeast corner of John Christopher Hartwick's pa-
tent, thence along the south and west bounds thereof to
the northwest corner of the same, and from thence north
along the east line of Smith's tract to a beach tree mark-
ed I. R. B. No. 47, thence east along an old line of mark-
ed trees thirty-three chains to a beach tree marked I. R.
B. No. 47. 1772, W. C. 1791, thence north seven degrees
east along the west line of a tract of land called the twelve
thousand acre tract to the south line of Colden's patent,
thence east to the southeast corner thereof, thence north

to the east line thereof to the southeast corner of Schuyler's patent, thence along the easterly boundary of said patent to the county of Herkimer, thence east by the county of Herkimer to Springfield, thence southerly by the west bounds of Springfield and Middlefield to the place of beginning, shall be and continue a town by the name of Otsego.

Richfield.

And that all that part of the said county of Otsego beginning at the northwest corner of the town of Otsego and running westerly along the north bounds of the county to the northwest corner of lot number seventy-eight in Schuyler's patent, thence southerly to the southwest corner of lot number eighty, thence easterly to the southeast corner of lot number three, thence northerly on the east line of said town to the place of beginning, shall be and continue a town by the name of Richfield.

Exeter.

And that all that part of the said county of Otsego beginning at the northeast corner of lot number four in the patent granted to David Schuyler and others, thence running westerly to the northwest corner of lot number fifty-three, thence southerly to the southwest corner of lot number fifty-six, thence on the south line of said Schuyler's patent to the southeast corner thereof, thence northerly on the east line of said town to the place of beginning, shall be and continue a town by the name of Exeter.

Plainfield.

And that all that part of the said county of Otsego bounded westerly and northerly by the bounds of the county, easterly by Richfield and Exeter, and southerly by the north bounds of Colden's patent and the same continued to the Unadilla-river, shall be and continue a town by the name of Plainfield.

Burlington.

And that all that part of the said county of Otsego bounded southerly by Pittsfield, westerly by the west bounds of the county, northerly by Exeter and Plainfield, and easterly by Otsego, shall be and continue a town by the name of Burlington.

Pittsfield.

And that all that part of the said county of Otsego contained within the following boundaries, to wit: Beginning at the southeast corner of Smith's patent on the north line of the town of Otsego, thence westerly on said line and the north line of the town of Butternuts to the Unadilla-river, thence up said river about six miles on a straight line to a tree marked ADT, thence north eighty-eight degrees east to the west line of Veree's patent, thence northerly to the northwest corner thereof, thence along the north line of said patent and the lands formerly owned by John Johnson and the same line continued to the west line of the town of Otsego, thence southerly on said line to the place of beginning, shall be and continue a town by the name of Pittsfield.

And that all that part of the said county of Otsego ^{Milford} bounded westerly by lots number seventy, forty-one, forty-two, forty-three, forty-four, forty-five, forty-six and forty-seven in a tract of land granted to Charles Read, Thomas Wharton and others, commonly called the Otego patent and the eastern boundary line of the said lots continued southerly to the Susquehannah-river, southerly and easterly by the Susquehannah-river, and northerly by the town of Otsego, shall be and continue a town by the name of Milford.

And that all that part of the said county of Otsego ^{Otego} bounded northerly by the towns of Otsego and Pittsfield, westerly by the east bounds of lots number one, two, three, four, five, six, seven and eight in the Otego patent to the southeast corner of the last mentioned lot, thence along the northerly bounds of lots number eighteen and twenty-one in the Otego patent to the west branch of the Otsdawaw-creek, thence down the same as it runs to the Susquehannah-river and Milford, shall be and continue a town by the name of Otego.

And that all that part of the said county of Otsego ^{Butternuts} bounded easterly by Otego, northerly by a line continued from the south bounds of a tract of land granted to George Croghan in the direction thereof to the Unadilla-river, westerly by the west bounds of the county, and southerly by a line beginning at the southwest corner of the town of Otego, and running thence west along the south bounds of lot number eight in the Otego patent to the east bounds of a tract granted to Lewis and Richard Morris, commonly called Morris's patent, thence northerly to the northeast corner of lot number seventy in the patent last mentioned, thence westerly along the south bounds of lots number sixty-three, sixty-two, sixty-one, sixty, fifty-nine and fifty-eight in Morris's patent to a tract of land granted to Clotworthy Upton commonly called Upton's patent and the same line continued westerly to the Butternut-creek, and thence down the same to the Unadilla-river, shall be and continue a town by the name of Butternuts.

And that all that part of the said county of Otsego ^{Unadilla} bounded northerly by the towns of Butternuts and Otego, east by Otego and the river Susquehannah, southerly by the same, and westerly by the Unadilla-river, shall be and continue a town by the name of Unadilla.

And that all that part of the county of Chenango ^{CHENANGO county into ten towns, viz. Sangerfield} bounded easterly and northerly by the bounds of the county, westerly by the west bounds of township number twenty being one of the twenty townships as surveyed and laid out by the surveyor-general of this state, and southerly by the south bounds of the said township number twenty, shall be and continue a town by the name of Sangerfield.

Hamilton.

And that all that part of the said county of Chenango comprehending the second, third, fifth and sixth of the twenty townships aforesaid, shall be and continue a town by the name of Hamilton.

Brookfield.

And that all that part of the said county of Chenango comprehending the eighteenth and nineteenth of the twenty townships aforesaid, and also all that part of the seventeenth of the same townships lying north of a line running from the south bounds of township number nine in the same direction to the east bounds of the county, shall be and continue a town by the name of Brookfield.

Sherburne.

And that all that part of the said county of Chenango comprehending the eighth and ninth of the said twenty townships, shall be and continue a town by the name of Sherburne.

De Ruyter.

And that all that part of the said county of Chenango bounded northerly by Cazenovia, west by the west bounds of the county, southerly by a line beginning at the southwest corner of a tract of land commonly called De Ruyter township, thence easterly to the west line of the twenty townships, thence north to the southwest corner of township number seven, thence east to the southeast corner thereof, and east by Sherburne and Hamilton, shall be and continue a town by the name of De Ruyter.

Cazenovia.

And that all that part of the said county of Chenango beginning at the southwest corner of the road township, thence east along the south boundary thereof to the west line of township number six, thence north to the south corner of township number one, thence east along the south bounds thereof to the southeast corner thereof, thence north along the division line of townships number one and two to the north boundary line of the twenty towns, thence easterly along the said boundary line to the east bounds of the county of Chenango, thence northerly, westerly and southerly along the boundary line of the counties of Chenango and Onondaga to the place of beginning, shall be and continue a town by the name of Cazenovia.

Greene.

And that all that part of the said county of Chenango beginning at the southeast corner of the county of Onondaga, then southerly and easterly along the line of the county of Chenango to the township of Clinton, thence northerly along the westerly line of the same to and including a tract of sixteen thousand acres of land in the Township of Clinton granted to Robert Harper, to the south bounds of the town of Oxford, thence along the south and west bounds of the town of Oxford to the south bounds of the town of Norwich, thence westerly on the south line of said town to the county of Onondaga, thence south to the place of beginning, shall be and continue a town by the name of Greene.

And that all that part of the said county of Chenango **Norwich** bounded easterly by the Unadilla-river, northerly by the towns of Brookfield, Sherburne and De Ruyter, southerly by the north bounds of a tract of land called Fayette, and the south bounds of townships number fourteen and thirteen, being two of the said twenty townships, and westerly by the west bounds of the townships number thirteen and ten, together with all the lands in the said county lying westerly of the said townships number thirteen and ten and not included in either of the said towns of De Ruyter or Greene, shall be and continue a town by the name of Norwich.

And that all that part of the said county of Chenango **Oxford** bounded northerly by Norwich, westerly on the east bounds of a tract of land purchased by William S. Smith called the Chenango Triangle, southerly by the south bounds of the township of Fayette, and easterly by the Unadilla-river, shall be and continue a town by the name of Oxford.

And that all that part of the said county of Chenango **Jerico** bounded northerly by Oxford, easterly and southerly by the bounds of the county, and westerly by Greene, shall be and continue a town by the name of Jerico.

And that all that part of the county of Tioga bounded easterly by the bounds of the county, southerly by the bounds of the state, northerly by the bounds of the county, and westerly by the rivers Susquehannah and Chenango, shall be and continue a town by the name of Chenango. **TIoga county into eight towns, viz. Chenango.**

And that all that part of the said county of Tioga bounded easterly by the town of Chenango, south by the Pennsylvania line, west by the town of Tioga, and northerly by the town of Lisle, shall be and continue a town by the name of Union. **Union.**

And that all that part of the said county of Tioga **Tioga** bounded west by the Owego-river, and a line running from the mouth thereof south to the Pennsylvania line, northerly by the bounds of the county, southerly by the Pennsylvania line, and easterly by a line beginning at the northwest corner of lot number twenty-three in the north tier of lots in the Massachusetts ten townships, so called, and running south to the northwest corner of lot number one hundred and thirty-two in the great division of the said ten townships, thence south to the northeast corner of Cox's patent, thence south to the Pennsylvania line, shall be and continue a town by the name of Tioga.

And that all that part of the said county of Tioga **Lise** bounded west by the town of Tioga, north by the bounds of the county, east by the bounds of the county, and south by a line beginning at the before mentioned northwest corner of lot number one hundred and thirty-two, and running east on the line of lots to the forks of the Chenango-river, shall be and continue a town by the name of Lise.

Owego.

And that all that part of the said county of Tioga bounded southerly by Pennsylvania, northerly by the bounds of the county, easterly by the town of Tioga, and westerly by the Cayuta-creek, shall be and continue a town by the name of Owego.

Chemung.

And that all that part of the said county of Tioga bounded east by Owego, northerly by the bounds of the county, southerly by the Pennsylvania line, and westerly by a line drawn north and south from the middle of the bridge that crosses Balding's mill-creek to the north and south line of Tioga county, shall be and continue a town by the name of Chemung.

Newtown.

And that all that part of the said county of Tioga bounded westerly by the bounds of the county, southerly by the Pennsylvania line, easterly by Chemung, and northerly by the town of Catharines, shall be and continue a town by the name of Newtown.

Catharines.

And that all that part of the said county of Tioga bounded west and north by the bounds of the county, east by Chemung, and south by the south bounds of the northern half parts of the townships number one and four of a tract of land patented to John W. Watkins and Royal Flint, shall be and continue a town by the name of Catharines.

ONONDA-
GA county
into nine
towns, viz.

Solon.

And that all that part of the county of Onondaga contained within the limits and bounds of the townships of Cincinnatus and Solon, as distinguished on a map of the military tract filed in the secretary's office by the surveyor-general of the state, shall be and continue a town by the name of Solon.

Homer.

And that all that part of the said county of Onondaga contained within the limits and bounds of the townships of Virgil and Homer as distinguished on the said map, shall be and continue a town by the name of Homer.

Fabius.

And that all that part of the said county of Onondaga contained within the limits and bounds of Fabius and Tully as distinguished on the said map, together with all that part of the town of Sempronius as distinguished on the said map, and lying east of the Skaneateles lake, shall be and continue a town by the name of Fabius.

Onondaga.

And that all that part of the said county of Onondaga contained within the limits and bounds of the two tracts of land known by the name of the late Onondaga and Salt Spring reservations, shall be and continue a town by the name of Onondaga.

Pompey.

And that all that part of the said county of Onondaga comprehending the township of Pompey as distinguished on the said map, shall be and continue a town by the name of Pompey.

Manlius.

And that all that part of the said county of Onondaga comprehending the township of Manlius as distinguished

on the said map, shall be and continue a town by the name of Manlius.

And that all that part of the said county of Onondaga **Lysander.** comprehending the townships of Lysander, Hannibal and Cicero as distinguished on the said map, shall be and continue a town by the name of Lysander.

And that all that part of the said county of Onondaga **Camillus.** comprehending the township of Camillus as distinguished on the said map, shall be and continue a town by the name of Camillus.

And that all that part of the said county of Onondaga **Marcellus.** comprehending the township of Marcellus as distinguished on the said map, shall be and continue a town by the name of Marcellus.

And that all that part of the county of Cayuga **CAYUGA** comprehending the townships of Ulysses and Dryden as distinguished on a map of the military tract filed in the secretary's office by the surveyor-general of this state and **county into eight towns, viz.** extending to the middle of the Cayuga-lake, shall be and continue a town by the name of Ulysses. **Ulysses.**

And that all that part of the said county of Cayuga **Milton.** comprehending the townships of Milton and Locke as distinguished on the said map extending to the middle of Cayuga-lake, shall be and continue a town by the name of Milton.

And that all that part of the said county of Cayuga **Sempronius.** comprehending all that part of the township of Scipio as distinguished on the said map lying east of the Owasco-lake, together with the township of Sempronius as also distinguished on the said map, shall be and continue a town by the name of Sempronius.

And that all that part of the said county of Cayuga **Scipio.** comprehending the township of Scipio as distinguished on the said map and extending to the middle of Cayuga-lake, excepting such part thereof as lies east of the Owasco-lake, and comprehending that part of the lands reserved to the Cayuga nation of Indians lying on the east side of the middle of the Cayuga-lake, south of a west line drawn from the southwesterly corner of the township of Aurelius in the east bounds of the said reservation to the middle of said Cayuga-lake, shall be and continue a town by the name of Scipio.

And that all that part of the said county of Cayuga **Aurelius.** comprehending the townships of Cato, Brutus and Aurelius as distinguished on the said map, together with that part of the lands reserved to the Cayuga nation of Indians as aforesaid lying on the east side of the middle of the Cayuga-lake and not included in the town of Scipio, shall be and continue a town by the name of Aurelius.

And that all that part of the said county of Cayuga **Ovid.** comprehending the townships of Ovid and Hector as

distinguished on the said map, and extending east to the middle of the Cayuga-lake and west to the west bounds of the county, shall be and continue a town by the name of Ovid.

Romulus.

And that all that part of the said county of Cayuga contained within the following bounds, to wit.: Beginning at the Seneca-lake at the southwest corner of lot number thirty-seven and northwest corner of lot number forty-three in the township of Romulus as distinguished on the said map, from thence west to the west bounds of the county, and east between said lots number thirty-seven and forty-three, thirty-eight and forty-five, thirty-nine and forty-six, forty and forty-seven, to the west bounds of lot number forty-two, thence south to the northwest corner of lot number forty-eight, then east to the west bounds of the reservation, then northwardly along said reservation line to the west corner of lot number fifty-three of said reservation, then easterly between lots number fifty-three and fifty-eight, fifty-four and fifty-nine, fifty-five and sixty, fifty-six and sixty-one of said reservation, and the same course continued to the middle of the Cayuga-lake, then southwardly up the middle of the Cayuga-lake to the northeast corner of the town of Ovid, thence west to the west bounds of the county, thence northwardly along the same till an east line will strike the place of beginning, and then east to the place of beginning, shall be and continue a town by the name of Romulus.

Washington.

And that all that part of the said county of Cayuga comprehending the townships of Junius and Galen as distinguished on the said map, together with the lands in the said county lying west of the townships of Cato and Hannibal as distinguished on the said map, and north of the said township of Galen, and south of Lake-Ontario, as also all that part of the township of Romulus, and the same continued west to the bounds of the county, and all that part of the lands reserved to the Cayuga nation of Indians lying on the west side of the middle of the Cayuga-lake which are not included in the above town of Romulus, shall be and continue a town by the name of Washington.

ONTARIO
into nineteen
towns, viz.

Seneca.

And that all that part of the county of Ontario comprehended within the following boundaries, viz. Beginning on the west line of township number ten in the first range of townships at a point equi-distant from the northwest and the southwest corners of said townships, thence running east to the new pre-emption line, thence south to a point on said line due east from the southeast corner of township number nine in the first range, thence west to the southeast corner of said township number nine, thence westerly along the south line of said township number nine to the southwest corner thereof, and thence north along the west lines of townships number nine and ten

in the first range to the place of beginning, comprehending township number nine and the south half of number ten in the first range, and the lands lying east thereof in the said county, shall be and continue a town by the name of Seneca.

And that all that part of the said county of Ontario beginning at the northwest corner of township number eight in the first range which is the southwest corner of the town of Seneca, thence running east on the north line of said township to the new pre-emption line, thence south on said line to where it intersects the western shore of the Seneca-lake, thence southerly along the said western shore to a point on the same due east from the southeast corner of township number seven in the first range, thence west to the said southeast corner of township number seven in the first range, thence westerly along the south lines of townships number seven in the first and second ranges to the southwest corner of township number seven in the second range; thence north along the west line of township number seven in the second range to the northwest corner thereof, thence east along the north line of said township number seven in the second range to the northeast corner thereof, and thence north along the west line of township number eight in the first range to the northwest corner thereof which was the place of beginning, comprehending townships number seven and eight in the first range, and the lands east thereof, and number seven the second range, shall be and continue a town by the name of Jerusalem.

And that all that part of the said county of Ontario beginning at the northeast corner of township number eight in the second range which is the southwest corner of the town of Seneca, and the northwest corner of the town of Jerusalem, thence running south on the east line of said township number eight in the second range to the southeast corner thereof, thence west along the south lines of townships number eight in the second and third ranges to the centre, east and west, of the Canandarqua-lake, thence northerly along the middle of said lake following the courses thereof to the north line of said township number eight in the third range, thence east along the north lines of township number eight in the third and second ranges to the place of beginning, comprehending township number eight in the second range, and that part of number eight in the third range which lies east of Canandarqua-lake, shall be and continue a town by the name of Augusta.

And that all that part of the said county of Ontario beginning at the northeast corner of township number ten in the second range of townships, thence running south on the east lines of townships number ten and nine in the

second range to the southeast corner of township number nine in the second range, thence west on the south line of said last mentioned township to the southwest corner thereof, thence north along the west line of said townships number nine and ten in the second range to the northwest corner of said township number ten in the second range, thence east along the north line of said last mentioned township to the place of beginning, comprehending townships number nine and ten in the second range, shall be and continue a town by the name of Easton.

Phelps.

And that all that part of the said county of Ontario beginning on the west line of township number ten in the first range at a point equi-distant from the northwest and southwest corners of said township, which point is the northwest corner of the town of Seneca, thence running due east to the new pre-emption line, thence north on said line to a point due east from the northeast corner of township number eleven in the first range of townships, thence west to the said northeast corner of township number eleven in the first range, thence westerly along the north line of the last mentioned township to the northwest corner thereof, and thence southerly along the west lines of townships number eleven and ten in the first range to the place of beginning, comprehending township number eleven and the north half of number ten in the first range, and the lands east thereof, shall be and continue a town by the name of Phelps.

Farmington.

And that all that part of the said county of Ontario beginning at the southeast corner of township number eleven in the second range, thence running west along the south lines of townships number eleven in the second and third ranges to the southwest corner of township number eleven in the third range, thence north on the west line of the last mentioned township to the northwest corner thereof, thence east along the north line of the last mentioned township to the northeast corner thereof, thence north to the northwest corner of township number eleven in the second range, and thence east along the north line of said township last mentioned to the northeast corner thereof, and thence south along the east line of the said township last mentioned to the place of beginning, comprehending townships number eleven in the second and third ranges, shall be and continue a town by the name of Farmington.

Palmyra.

And that all that part of the said county of Ontario beginning at the southeast corner of township number twelve in the second range, thence west along the south line of said township to the southwest corner thereof, thence south to the southeast corner of township number twelve in the third range, thence west along the south line of the last mentioned township to the southwest corner thereof, thence north along the west line of said township to the northwest corner thereof, thence east on the north line of

said township to the northeast corner thereof, thence north to the northwest corner of township number twelve in the second range, thence east along the north line of the last mentioned township to the northeast corner thereof, and thence south along the east line of the said township number twelve in the second range to the southeast corner thereof, which was the place of beginning, comprehending townships number twelve in the second and third ranges, shall be and continue a town by the name of Palmyra.

And that all that part of the said county of Ontario beginning at the northeast corner of the county of Ontario which is a point on the southern shore of lake Ontario at which the new pre-emption line intersects the said shore, thence running south on the said new pre-emption line to a point due east from the southeastern corner of township number twelve in the first range, thence west to the said southeast corner of township number twelve in the first range, thence westerly along the south line of the said last mentioned township to the southwest corner thereof, thence north along the west line of said township to the northwest corner thereof, thence west along the north line of township number twelve in the second range to the northwest corner thereof, thence south to the northeast corner of township number twelve in the third range, thence west along the north line of the said last mentioned township to the northwest corner thereof, thence north along the west lines of townships number thirteen and fourteen in the third range to lake Ontario, and thence easterly along the southern shore of said lake to the place of beginning, comprehending townships number twelve, thirteen and fourteen in the first range, and that part of the gore east thereof, and number thirteen and fourteen in the second and third ranges, shall be and continue a town by the name of Sodus. Sodus.

And that all that part of the said county of Ontario beginning at the northeast corner of township number fourteen in the fourth range on the south shore of lake Ontario, thence running south on the east lines of townships number fourteen, thirteen and twelve in the fourth range to the southeast corner of township number twelve in the fourth range, thence west along the south lines of townships number twelve in the fourth and fifth ranges to the southwest corner of township number twelve in the fifth range, thence southerly along the east line of township number twelve in the seventh range to the southeast corner of said last mentioned township, thence west along the south line of said last mentioned township number twelve in the seventh range to the Genesee river, thence northerly along the middle of said river following the course thereof to lake Ontario, and thence easterly along the shore of lake Ontario to the place of beginning, comprehending townships number twelve, thirteen and fourteen in the fourth. Northfield.

and seventh ranges, and township number twelve in the fifth range, shall be and continue a town by the name of Northfield.

Bloomfield.

And that all that part of the said county of Ontario beginning at the northeast corner of township number eleven in the fourth range, thence running south on the east lines of townships number eleven and ten in the fourth range to the southeast corner of township number ten in the fourth range, thence west along the south lines of townships number ten in the fourth and fifth ranges to the Honeoy-creek, thence northerly down the middle of said Honeoy-creek following the courses thereof to where it intersects the west line of township number eleven in the fifth range, thence northerly along the west line of said township number eleven in the fifth range to the northwest corner thereof, and from thence east along the north lines of township number eleven in the fifth and fourth ranges to the place of beginning, comprehending townships number ten and eleven in the fourth range, and those parts of number ten and eleven in the fifth range which lie east and north of the Honeoy-creek, shall be and continue a town by the name of Bloomfield.

Charleston.

And that all that part of the said county of Ontario beginning at the southwest corner of township number ten in the sixth range, thence running northerly on the east lines of townships number ten and eleven in the seventh range to where the Honeoy-creek intersects the said east line of township number eleven in the seventh range, thence southerly up the centre of said creek following the courses thereof to where it intersects the south line of township number ten in the fifth range, and thence westerly along the south lines of townships number ten in the fifth and sixth ranges to the place of beginning, comprehending townships number ten in the sixth range and that part of townships number ten and eleven in the fifth range which lies west of Honeoy-creek, shall be and continue a town by the name of Charleston.

Hartford.

And that all that part of the said county of Ontario beginning at the southeast corner of township number ten in the seventh range, thence running west along the south line of said township to the Genesee-river, thence northerly along the middle of said river following the course thereof to where it is intersected by the north line of township number eleven in the seventh range, thence easterly along the north line of the last mentioned township to the northeast corner thereof, and thence southerly along the east lines of townships number eleven and ten in the seventh range to the place of beginning, comprehending townships number ten and eleven in the seventh range, shall be and continue a town by the name of Hartford.

And that all that part of the said county of Ontario Canandarqua. beginning at the northwest corner of township number ten of the third range, thence running south on the east line of townships number ten and nine in the third range to the southeast corner of township number nine in the third range, thence west on the south line of said township number nine to the southwest corner thereof, thence north on the west lines of said townships number nine and ten to the northwest corner of said township number ten, and thence east on the north line of said number ten to the place of beginning, comprehending townships number nine and ten in the third range, shall be and continue a town by the name of Canandarqua.

And that all that part of the said county of Ontario Bristol. beginning at the northwest corner of township number nine in the fourth range, thence running south on the east line of said township to the northwest corner of township number eight in the third range, thence east along the north line of said township number eight to the middle (east and west) of the Canandarqua-lake, thence southerly up the middle of said lake to the south line of said township number eight, thence west along the south lines of townships number eight in the third and fourth ranges to the southwest corner of township number eight in the fourth range, thence north on the west line of said township number eight in the fourth range to the northwest corner thereof, thence east to the southwest corner of township number nine in the fourth range, thence north to the west line of said last mentioned township to the northwest corner thereof, and thence east on the north line of said township to the place of beginning, comprehending townships number eight and nine in the fourth and that part of number eight in the third range which lies west of Canandarqua-lake, shall be and continue a town by the name of Bristol.

And that all that part of the said county of Ontario Middletown. beginning at the northeast corner of township number seven in the third range, thence running south along the east line of said township to the southeast corner thereof, thence west along the south lines of townships number seven in the third, fourth and fifth ranges (which is also the south line of the county) to the southwest corner of township number seven in the fifth range, thence north on the west line of the last mentioned township to the northwest corner thereof, and thence east on the north lines of townships number seven in the fifth, fourth and third ranges to the place of beginning, comprehending townships number seven in the third, fourth and fifth ranges, shall be and continue a town by the name of Middletown.

And that all that part of the said county of Ontario Pittstown. beginning at the northeast corner of township number

nine in the fifth range, thence south on the east line of said township and of township number eight in the fifth range to the southeast corner of township number eight in the fifth range, thence west along the south lines of number eight in the fifth and sixth ranges to a point on the south line of township number eight in the sixth range equi-distant from the southeast and southwest corner of said township, thence north to the north line of said township, thence west on the south line of township number nine in the sixth range to the southwest corner thereof, thence north on the west line of the last mentioned township to the northwest corner thereof, and thence east on the north lines of townships nine in the sixth and fifth ranges to the place of beginning, comprehending townships number eight and nine in the fifth range, and the east half of number eight in the sixth range, shall be and continue a town by the name of Pittstown.

Sparta.

And that all that part of the said county of Ontario beginning at the northeast corner of township number seven in the sixth range, thence running south on the east line of said township to the southeast corner thereof, thence west along the south lines of townships number seven in the sixth and seventh ranges to the southwest corner of township number seven in the seventh range, and thence north on the west line of said last mentioned township and of township number eight in the seventh range, called the Indian line, to the confluence of the Genesee-river with the Canaseraga-creek, thence down the Genesee-river following the courses thereof northerly to the north line of township number eight in the seventh range, thence east on the north line of said township to the northeast corner thereof, thence north to the northwest corner of township number eight in the sixth range, thence east on the north line of township number eight in the sixth range to a point on the same equi-distant from the northwest and northeast corners of said last mentioned township, thence south to the north line of township number seven in the sixth range, and thence east on said north line to the place of beginning, comprehending townships number seven and eight in the seventh range, number seven in the sixth range, and the west half of township number eight in the sixth range, shall be and continue a town by the name of Sparta.

Genesee.

And that all that part of the said county of Ontario beginning at the northeast corner of township number nine in the seventh range, thence running south on the east line of said township to the southeast corner thereof, thence west on the south line of said township to the Genesee-river, thence northerly down the middle of the said river following the course thereof to the north line of township number nine in the seventh range, and thence

east along the north line of said township to the place of beginning, comprehending township number nine in the seventh range, shall be and continue a town by the name of Genesee.

And that all that part of the said county of Ontario which lies westerly of the following described line, viz. Beginning at the mouth of the Genesee-river on lake Ontario, thence running southerly up the middle of said river following the courses thereof to the confluence of the said river with the Canaseraga-creek, and then south on the Indian line, so called, being a meridian line to the north line of the state of Pennsylvania, shall be and continue a town by the name of Northampton.

And that all that part of the county of Steuben known and distinguished by townships number one, two and three in the first and second range of townships, and being at the southeast corner of the said county, together with the gore lying between the east boundary line of townships number one, two and three in the first range, and the east bounds of the said county, shall be and continue a town by the name of Painted-Pest.

STEUBEN
county into
six towns, viz.
Painted Post.

And that all that part of the said county of Steuben known and distinguished by townships number four, five and six in the first range of townships, and the easterly half of townships number four and five in the second range bounded on the north and west by the Crooked-lake, and also the gore lying between the east boundary line of the said township number four, five and six in the first range, and the east bounds of the county, shall be and continue a town by the name of Frederickstown.

Frederickstown.

And that all that part of the said county of Steuben known and distinguished by townships number one, two and three in the third and fourth range of townships aforesaid, shall be and continue a town by the name of Middletown.

Middletown.

And that all that part of the said county of Steuben known and distinguished as the westwardly half of townships number four and five in the second range of townships aforesaid, and also all that part of township number six in the said second range not included in the said town of Frederickstown, and also townships number four, five and six in the third and fourth range of townships aforesaid, shall be and continue a town by the name of Bath.

Bath.

And that all that part of the said county of Steuben known and distinguished by townships number one, two, three and four in the fifth, sixth and seventh ranges of townships aforesaid, including the gore between number three in the fourth, and number three in the fifth range, and also the gore between number four and five in the

Cassico.

sixth range aforesaid, shall be and continue a town by the name of Canisteo.

Dansville.

And that all that part of the said county of Steuben known and distinguished by townships number five and six in the fifth, sixth and seventh ranges of townships aforesaid, shall be and continue a town by the name of Dansville.

Bounds of towns not to affect private rights.

II. *And be it further enacted*, That none of the bounds or lines by this act assigned for the limits of any of the said towns shall be construed to affect the right or title of any person or body politic, or confirm the bounds or rights of any patent whatsoever.

Fifth section of an act repealed.

III. *And be it further enacted*, That the fifth section of the act, entitled *An act for dividing the counties of this state into towns*, passed the 7th March, 1788, be and hereby is repealed.

Money for the poor in certain towns in Orange county how to be apportioned.

IV. *And be it further enacted*, That as soon as may be after the first Tuesday of May next, the supervisors and overseers of the poor of the towns of Goshen, Warwick and Minisink in the county of Orange, shall by notice to be given by the supervisors of the said towns, or any one of them for that purpose, meet together at any place in the town of Goshen and apportion the poor maintained by the said towns, and also divide all money which now is and will be in the hands of the overseers of the poor of the said towns, or any of them, in an equitable manner, and if the said supervisors and overseers of the poor cannot agree upon such apportionment and division of the poor and money aforesaid, then and in such case, the supervisors of the said county shall at their next annual meeting apportion and divide the poor and money as aforesaid, in such manner as shall appear to them most just and equitable; and the said towns shall hereafter maintain their own poor respectively.

This act not to affect the towns erected during the same session.

V. *Provided nevertheless, and be it further enacted*, That nothing in this act contained shall be deemed or construed to alter the lines or bounds of any of the towns erected, or in any wise affect the laws whereby such towns were erected at the present session of the legislature, any thing herein contained to the contrary in any wise notwithstanding.

C H A P. XVII.

An ACT to erect a Town in the County of Saratoga, by the name of Hadley.

Passed 27th February, 1801.

Part of the county of Saratoga erected into a separate town by the name of Hadley.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the first Monday of April next, all that part of the

county of Saratoga beginning in the middle of a public highway in the town of Greenfield south of and adjoining the late dwelling house of George Shove, esquire, deceased, thence easterly along the middle of the said highway to a place where the same intersects a public highway between the dwelling houses of Jeremiah Eddy and Waterman Carpenter, thence due east to the east line of the said town of Greenfield, from thence easterly on a straight line to a place on the west bank of the Hudson-river in the town of Northumberland called Flat-Rock, thence due east to the county of Washington, thence northerly on the division line between the counties of Washington and Saratoga to the northeast corner of the said town of Greenfield, thence westerly along the north line thereof to the northwest corner thereof, thence southerly along the west line thereof to a place due west from the place of beginning, and from thence on a straight line due east to the place of beginning, shall be and hereby is erected into a separate town by the name of Hadley; and that the first town meeting in the said town of Hadley shall be held at the dwelling house of Daniel Ashley in said town; and that all the remaining part of the said town of Greenfield shall be and remain a separate town by the name of Greenfield; and that all the remaining part of the said town of Northumberland, shall be and remain a separate town by the name of Northumberland; and that the next annual town meeting to be held in the said towns of Greenfield and Northumberland shall be held at the places to which they respectively stand adjourned.

First town meeting where to be held.

All the remaining parts of the towns of Greenfield and Northumberland to remain separate towns.

[RESIDUE OF THIS ACT OBSOLETE.]

C H A P. XIX.

An ACT to divide the Town of Providence, in the County of Saratoga.

Passed 13th March, 1801,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the first Monday of April next, all that part of the town of Providence in the county of Saratoga beginning at a place on the west line of said town six miles from the southwest corner thereof, thence easterly on a straight line parallel with the south line of the said town to the east bounds thereof, thence northerly along the east line of said town of Providence to the northeast corner thereof, thence westerly along the north bounds of said town to the northwest corner thereof, thence southerly along the west bounds of said town to the place of beginning, shall be and hereby is erected into a separate town, by the name of Northfield; and the first town meeting in the said town

Part of the town of Providence erected into a separate town by the name of Northfield.

of Northfield, shall be held at the dwelling house of James Goodwin in said town ; and that all the remaining part of the said town of Providence, shall be and remain a separate town by the name of Providence.

[RESIDUE OF THIS ACT OBSOLETE.]

Fees.

C H A P. CXI.

An ACT regulating the Fees of the several Officers and Ministers of Justice within this State.

Passed 8th April, 1801.

No greater or other fee or reward to be taken than the following.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That no officer or other person shall exact, demand or ask, or be allowed any greater or other fee or reward, for or in respect of any service hereafter to be done or performed, than such as is herein after specified, that is to say :

In the COURT for the TRIAL of IMPEACHMENTS and CORRECTION of ERRORS.

The Clerk's Fees.

Clerk's fees. For reading and filing the writ, return and record, thirty-seven and an half cents.
Filing every affidavit or other proceeding, twelve and an half cents.
Entering every rule, nineteen cents.
Every certified copy of a rule, nineteen cents.
Entering every appearance, twelve and an half cents.
Entering every judgment or dismissal, twenty-five cents.
Entering the judgment and remittitur on the roll, for each sheet containing seventy-two words, twelve and an half cents.
The seal to any record or process, fifty cents.
Copies of records, pleadings and other proceedings, for each sheet containing ninety words, nine cents.
Taxing a bill of costs, fifty cents.

The Cryer's Fees.

Cryer's fees. In each cause, thirty-seven and an half cents.

In the COURT of CHANCERY.

The Master's Fees.

Master's fees. For every summons, thirty-seven and an half cents.
Copies of all charges and discharges brought in before the master, for each sheet containing ninety words, nine cents.

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For scheduling writings, for each sheet of such schedule containing ninety words, nine cents.

Every report in pursuance of an order made upon hearing a cause, one dollar and twenty-five cents.

Every other report made upon petition or motion only, sixty-two and an half cents.

Taking and drawing the acknowledgment or proof of a deed or mortgage, thirty-seven and an half cents; a lease and release to be considered as one deed.

For drawing every report, for each sheet containing ninety words, twelve and an half cents.

Every copy thereof, each sheet as aforesaid, nine cents.

Swearing a defendant to an answer or plea, or swearing a witness, or taking an affidavit, twelve and an half cents.

Signing every exhibit brought before him, twelve and an half cents.

The caption and writing of every recognizance, thirty-seven and an half cents.

Taxing every bill of costs before a decree, thirty-seven and an half cents.

Taxing a bill of costs after a decree, seventy-five cents.

And all costs of the party plaintiff, including officer's fees, whensoever costs shall be directed to be taxed shall be taxed in one bill only, and in like manner all the costs of the party defendant, including officer's fees, shall be taxed in one bill only, and only one fee shall be allowed for any such one taxation. And where monies are ordered by the court to be put out by a master, or where an estate is ordered to be sold by a master, and where the master is ordered to take an account of an estate, or between partners in trade, the chancellor shall make such allowance to the master for the same as he shall judge reasonable.

The Register's Fees.

For drawing all rules and orders, for each sheet containing ninety words, nineteen cents, and entering the same, for each sheet, nine cents. Register's fees

Reading and filing every report, petition or other paper, twelve and an half cents.

Copies of all rules, orders, reports, affidavits, records and proceedings, for each sheet containing ninety words, nine cents.

Every certificate, nineteen cents.

Entering a cause for hearing, twelve and an half cents.

Making or certifying notes for the causes that stand for hearing, for grounding a subpoena to hear judgment, for each cause, nineteen cents.

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For drawing every decree, for each sheet containing ninety words, nineteen cents ; but no record, writing, report, order or proceeding to be inserted therein *verbatim*, or *in hæc verba*, shall be computed as any part of such draft.

Engrossing every decree including all reports, orders and other proceedings, records and writings inserted therein, for each sheet containing ninety words, and including parchment twelve and an half cents.

Entering every dismissal, fifty cents.

Examining and signing every decree, and attending the chancellor to get the same signed by him, one dollar.

Searching for any order or decree, for every year in which such search is made, six cents.

Entering all attachments and proclamations, nine cents for each person.

Entering every amerciament, nineteen cents.

Entering an appearance upon process of contempt, twelve and an half cents.

Engrossing all depositions, exhibits, records and pleadings to be exemplified, for each sheet containing ninety words, nine cents.

The Clerk's Fees.

Clerk's fees. For sealing every writ, twenty-five cents.

Drawing and engrossing every subpoena or attachment, including parchment, sixty-two and an half cents.

Drawing all other writs and commissions when done by him, for every sheet containing ninety words, nineteen cents, and engrossing when done by him, for each sheet, including parchment, twelve and an half cents.

Entering the defendant's appearance and certificate thereof, and serving the same twenty-five cents ; and if two or more defendants appear at one time no more than one fee for entering and certifying their appearance shall be allowed.

Copies of all bills, answers and other pleadings whatsoever, for each sheet containing ninety words, six cents.

Meeting to settle commissioners, on joining in commission, fifty cents.

Every certificate that pleadings are filed, costs of contempt paid, or other matter necessary to be certified, twelve and an half cents.

Filing every bill, answer, plea, replication, rejoinder, demurrer, or other pleading, twelve and an half cents.

For entering a rule to answer, reply or rejoin, or other rule in the rule book, and copy thereof, and serving on the clerk of the opposite party, twenty-five cents.

Entering receipt of rule to answer, reply or rejoin, or other rule in the rule book, and making and serving a copy of the rule on the solicitor, twenty-five cents.

Searching for any bill, answer or other pleading, for every year in which such search is made, six cents.

Attending master with rule book, on taxing costs, twenty-five cents.

Attending court on hearing with the pleadings, whether they are read or not, fifty cents.

The Examiner's Fees.

For taking the examination of every deponent, for each sheet containing ninety words, twenty-five cents. Examiner's fees.

Making a fair copy of the same on paper for the witness to sign, for each sheet twelve cents.

Certifying every exhibit shown to a witness on his examination, twenty-five cents.

Copies of all depositions, exhibits and interrogatories, when required, for each sheet containing ninety words, twelve cents.

Attending court with depositions and exhibits, one dollar.

Administering an oath or taking an affidavit, twelve cents and five mills.

The Counsel's Fees.

For a retaining fee in each cause, three dollars and seventy-five cents ; but a retaining fee shall not be taxed or allowed to the same person both as counsellor and solicitor in the same cause. Counsel's fees

Perusing and signing every bill, answer, plea, demurrer, and other special pleadings, interrogatories and exceptions, if not done by the person acting as solicitor in the same cause, two dollars and fifty cents.

Every motion of course before the chancellor, fifty cents ; but no motion to be allowed for common process, nor for rules to answer, reply, rejoin, produce or examine witnesses, or for publication or the like, which are to be issued or entered of course by the clerks.

Every special motion, one dollar and twenty-five cents.

Arguing every plea or demurrer, three dollars and seventy-five cents.

Arguing before the master upon exceptions, or other special matter, two dollars and fifty cents.

Arguing before the chancellor upon petition or exceptions, two dollars and fifty cents.

Arguing upon the final hearing of any cause, five

dollars ; but no cost to be taxed for more than one counsel in the same cause.

The Solicitor's Fees.

Solicitor's
fees.

For a retaining fee in every cause, two dollars and fifty cents ; but when the same person acts as solicitor and counsel, no retaining fee to be allowed as solicitor.

Drawing every bill, answer, plea, demurrer, replication, rejoinder, interrogatories, exceptions and other proceedings, for each sheet containing ninety words, nineteen cents ; but no record, writing, report, order or proceeding to be inserted therein *verbatim* or *in hæc verba*, shall be computed as any part of such draft.

All engrossments, including parchment, twelve cents and an half for each sheet containing ninety words, computing all records, writings, reports, orders and proceedings inserted therein, and all copies on paper, six cents for each sheet as aforesaid.

Attending the chancellor on petition, fifty cents.

Attending the court upon hearing upon every argument, one dollar and twenty-five cents.

Attending the register upon drawing decretal order, fifty cents.

Attending the chancellor upon every common motion, fifty cents.

Attending upon every special motion when argued, seventy-five cents.

Serving every order, nineteen cents.

Giving notice of the examination of a witness, either before the examiner or a master or commissioners, twenty-five cents.

Drawing instructions for the examination, twenty-five cents.

Abbreviating every bill, answer and other pleadings and depositions and exhibits, three cents for each sheet containing ninety words.

Drawing brief for counsel, nineteen cents for each sheet containing ninety words, and a copy thereof, six cents for each sheet as aforesaid.

Drawing charge or discharge before a master, for each sheet containing ninety words, nineteen cents.

Attending the master upon any matter referred to him, fifty cents.

Attending the master upon a summons, fifty cents.

Attending on taxing costs, fifty cents.

Copy of a bill of costs to be taxed before a decree made, thirty seven and an half cents, after a decree, seventy-five cents.

Drawing notice of every motion, copy and service, thirty-seven and an half cents.

The Fees of the Serjeant at Arms.

For taking a person into custody, one dollar.

Mileage, for each mile going out only, twelve and an half cents.

Fees of the
serjeant at
arms.

The return of an order or process, twelve and an half cents.

Attendance at every final hearing, thirty-seven and an half cents.

Serving every summons to attend a master, twelve and an half cents.

Taking bail upon attachment or other process, seventy-five cents ; and every person in contempt before being discharged shall, besides other fees, pay the serjeant at arms, eighty-three cents.

In the SUPREME COURT.

Alley & Hudson

Fees to the Commissioner in the City of New-York for Acts done by him appertaining to the Office of Chancellor and Judge of the Supreme Court.

For taking bail, thirty-seven and an half cents.

Allowing every writ of error, writ of privilege, *habeas corpus*, *procedendo*, *certiorari* or prohibition, thirty-seven and an half cents.

Commissioner's fees in
the city of
New-York.

Taking the acknowledgment of satisfaction out of court, thirty-seven and an half cents.

Taking the acknowledgment or proof of a deed or mortgage, thirty-seven and an half cents ; a lease and release to be considered as one deed.

Admitting an infant by guardian or next friend, twenty-five cents.

Taking the acknowledgment of a fine by *dedimus*, fifty cents.

Examining and signing the indentures of a fine, fifty cents.

Examining and signing the enrolments of the several parts of a fine, twenty-five cents for each roll.

Examining and signing the enrolments of a recovery, sixty-two and an half cents.

Examining and signing the exemplification of a fine or recovery, sixty-two and an half cents.

Taking an affidavit, twelve and an half cents.

Taking acknowledgment of a warrant of attorney for levying a fine or suffering a recovery, or to prosecute or defend a real action, twenty-five cents.

Allowing a warrant of attorney in other cases, twelve and an half cents.

Every attendance at his chamber on motion, or on examining a witness, sixty-two and an half cents.

Every order or certificate upon the act concerning insolvent debtors, thirty-seven and an half cents.

For every warrant, order, report or certificate, or appointment of trustees upon the act relative to absconding or absent debtors, thirty-seven and an half cents,

**Fees to other
commission-
ers.**

A commissioner for taking every affidavit to be read in the supreme court, twelve and an half cents.

Counsel's Fees in the Court of Errors and Supreme Court.

**Counsel's
fees.**

For perusing and amending every special pleading and entry, one dollar and twenty-five cents.

Assisting on special motions, one dollar and twenty-five cents ;

Attending the court of errors, to make or oppose a motion, one dollar and twenty-five cents.

Trial of a cause, or arguing a demurrer, or a special verdict, or in error, three dollars and seventy-five cents ; but no costs shall be taxed for counsel in any cause but where counsel is actually employed, and then only for one counsel.

Attornies' Fees in the Court of Errors and Supreme Court.

**Attornies'
fees.**

For a retaining fee, three dollars and sixty-two and an half cents ; but where several suits are brought upon one bond, note or bill of exchange, no more than one retaining fee shall be allowed, nor shall any retaining fee be allowed in any suit upon a bail bond, or to the defendant's attorney, upon confessing judgment on a bond by virtue of a warrant of attorney.

Drawing a copy of a warrant of attorney, twelve and an half cents.

Every term, a term fee of sixty-two and an half cents ; but no more than three to be allowed in any cause.

Drawing all process and returns, admissions of guardians or next friends, all recognizances of bail, pleadings, adjournments, suggestions, special verdicts, demurrers to evidence, and other necessary entries, records, bonds to prosecute, and affidavits, nineteen cents for each sheet containing seventy-two words ; but no record, writ, return, pleading, bond, covenant, or other writing, to be inserted *verbatim* or *in hac verba* shall be computed as any part of such draft.

Engrossing the same, including parchment where used, and computing all records, writs, returns, pleadings, bonds, covenants and other writings inserted therein, twelve and an half cents for each sheet containing seventy-two words ; except that for such engrossments as were formerly used to be made on paper there shall be allowed only six cents for each sheet.

For every necessary motion, sixty-two and an half cents ;
but no motion to be allowed upon judgment by
confession by virtue of a warrant of attorney, when
no suit is brought, either for entering the action
or a rule to plead.

Every attendance before the court of errors in order
to make a motion, or to oppose a motion, sixty-
two and an half cents.

Arguing every special motion, one dollar and twen-
ty-five cents.

A fee on trial, inquest or assessment of damages, by
the clerk, one dollar and fifty cents.

Drawing every *postea*, seventy-five cents.

Arguing demurrer, special verdict, or in error, three
dollars and seventy-five cents.

Drawing a brief and a copy or copies thereof, one dol-
lar and twelve and an half cents.

Drawing up a judgment, seventy-five cents.

Entering the judgment on the roll, thirty-seven and
an half cents.

Every notice, copy and service on the opposite party,
or his attorney, twenty-five cents.

Copy and service of notice of trial on the clerk, twen-
ty-five cents.

Making a note of the issue for the judges, to be served
on the clerk, with a copy of the notice of trial, and
for copy and service, thirty-seven and an half cents.

Attendance on balloting or striking a jury, or both,
sixty-two and an half cents.

Attendance on examining a witness out of court, twen-
ty-five cents.

Attendance on taxing a bill of costs, twenty-five cents.

Serving a certified copy of a rule, or a copy of a de-
claration with a certified copy of a rule to plead,
nineteen cents.

Copy of a bill of costs to be taxed, delivered to the
opposite party or his attorney, if before issue join-
ed or judgment, thirty-seven and an half cents ;
if after, seventy-five cents ; and no more than one
writ of execution shall be taxed in any case.

Fees of the Clerk of the Supreme Court in civil Causes.

For sealing a writ, entering the same, filing the precipe, Clerk's fees in
civil cases.
and entering on the docket, twelve and an half cents.

Filing a declaration or other pleading, twelve and an
half cents.

Entering an appearance or default, twelve and an
half cents.

Entering every rule, nineteen cents.

A certified copy of a rule when required, twelve and
an half cents.

Every report of damages assessed by him, one dollar.

For entering every nonsuit, nineteen cents.

Calling and swearing every jury, twenty-five cents.

Entering the return of a writ, and filing the writ, twelve and an half cents.

Filing a writ of error, *habeas corpus* or *certiorari*, with the return thereof, twelve and an half cents.

Swearing each witness, six cents.

Swearing a constable to attend a jury, six cents.

Reading every writing given in evidence, twelve and an half cents.

• Filing every roll, twelve and an half cents.

Docketing a judgment, twenty-five cents.

Taking a verdict and entering the same in the minutes, nineteen cents.

Entering a judgment, nineteen cents.

Entering or filing a *retraxit* or discontinuance, twelve and an half cents.

Drawing and engrossing exemplifications of records, for each sheet containing seventy-two words, twelve and an half cents.

Copies of records and pleadings, for each sheet containing seventy-two words, nine cents.

Attending and striking a special jury and delivering a copy of the panel to each party, seventy-five cents.

Copies of records to be returned upon writs of error, for each sheet containing seventy-two words, twelve and an half cents.

Filing an affidavit or other paper, on request, nine cents.

Entering satisfaction on record, nineteen cents.

Searching the records in any one year, twelve and an half cents ; and for every other year in which search is made, three cents.

Searching for a judgment, six cents for every term in which such search is made.

Entering confession of lease, entry and ouster, nineteen cents.

Reading and entering a *postea*, twenty-five cents.

Swearing each witness to a will, twelve and an half cents.

Drawing the proof of wills and codicils, nineteen cents for each sheet containing seventy-two words.

Recording a will or codicil, and the proof as by law directed, nineteen cents for each sheet containing one hundred and twenty-eight words ; and for copies thereof when required, twelve and an half cents for every sheet containing one hundred and twenty-eight words.

Examining and signing a note of a fine, twelve and an half cents.

Examining and signing the indentures of a fine, thirty-seven and an half cents.

For making, entering and indorsing each proclamation of a fine, thirty-seven and an half cents.

Attending and examining the enrolment of the several parts of a fine, sixty-two and an half cents.

Examining, signing and affixing the seal to the exemplification of a fine or recovery, sixty-two and an half cents.

Signing a judgment twenty-five cents ; and taxing every bill of costs, fifty cents.

Fees of the Clerk of the Supreme Court in criminal Causes, not capital, where the Service is done at the Request of the Defendant ; but no Fees to be allowed in any other Cases.

For entering an appearance, twelve and an half cents.

Entering the discharge of a person upon bail, twelve and an half cents.

Clerk's fees in criminal cases not capital.

Entering an imparlance, twelve and an half cents.

Entering or filing a plea, twelve and an half cents.

Reading a record or other writing given in evidence, twelve and an half cents.

Swearing a witness, six cents.

Respiting a recognizance, six cents.

Taking a recognizance in court, and entering thereof, thirty-seven and an half cents.

Copies of all indictments, informations and pleadings when required, for each sheet of seventy-two words, nine cents.

Entering a relinquishment of a plea, twelve and an half cents.

Entering a submission, twelve and an half cents.

Every *subpoena* for witnesses, twenty-eight cents.

Entering an order or rule of court, nineteen cents.

A copy of an order or rule of court, twelve and an half cents.

Taking and entering verdict when for the defendant, nineteen cents.

Taking and copying a special verdict, for each sheet containing seventy-two words, nineteen cents.

Entering a judgment for the defendant, twenty-five cents.

Reading and entering the allowance of a pardon, or a warrant of *nolo prosequi*, or *cessat processus*, thirty-seven and an half cents.

Fees of the respective Clerks of the Circuit Courts and Sittings.

For entering in the judge's book every cause noticed for trial, twenty-five cents.

Fees of the clerks of the circuits and sittings.

Filing every *nisi prius* record, twelve and an half cents.

Entering every rule, nineteen cents.

A copy of a rule, twelve and an half cents.

For entering confession of lease, entry and ouster, nineteen cents.

Calling and swearing a jury, twenty-five cents.

Swearing each witness, six cents.

Swearing a constable to attend a jury, six cents.

Reading every deed and writing given in evidence, twelve and an half cents.

Filing a plea or bill of exceptions, twelve and an half cents.

Copies thereof, for each sheet containing seventy-two words, six cents.

Taking and entering a verdict, nineteen cents.

A certified copy of the minutes of a trial, twenty-five cents.

Copies, if required, of original writings read in evidence on the part of the defendant in cases of special verdict, or demurrer to evidence, nine cents for every sheet containing seventy-two words.

Entering every nonsuit, nineteen cents.

Entering every appearance or default, twelve and an half cents ; and two dollars and fifty cents in each cause noticed for trial, and not countermanded in due time, in lieu of all travelling charges.

Fees of the Clerk of each Circuit Court in the Oyer and Terminer and General Gaol Delivery.

Fees of the clerk of the circuit court in the oyer and terminer and general gaol delivery.

For entering an appearance, twelve and an half cents.

A *subpoena*, twenty-five cents.

Entering an order or rule of court, twenty cents.

A copy of an order or rule of court, twelve and an half cents.

Entering a *nolo prosequi*, or *cessat processus*, twenty cents.

Reading and entering an allowance of a pardon, twenty-five cents.

Swearing a witness, six cents.

Reading every paper given in evidence, twelve and an half cents.

Respiteing a recognizance, six cents.

Discharging a defendant by proclamation, twelve and an half cents.

Entering defendant's confession, twelve and an half cents.

Entering or filing defendant's plea, twelve and an half cents.

Entering an imparlance, twelve and an half cents.

Taking a recognizance, thirty-seven and an half cents.

Entering relinquishment of plea, twelve and an half cents.

Taking and entering verdict when for the defendant, twenty cents.

For taking and entering special verdict, for each sheet containing seventy-two words, twenty cents.

Copies of records, indictments, informations, and pleadings, when required, for each sheet containing seventy-two words, nine cents.

Entering allowance of *habeas corpus*, writ of error or *certiorari*, and returning the same, fifty cents.

Sheriff's Fees in the Supreme Court.

For serving a writ, fifty-six cents.

Sheriff's fees.

Every mile going only, six cents ; to be computed in the county of Tioga from the bridge commonly called Nanticoke-bridge in the town of Union, and in every other county from the sheriff's place of abode, except where it is otherwise fixed by law.

A bail bond, or a defendant's appearance indorsed, thirty-seven and an half cents.

Returning a writ, if served, twelve and an half cents.

Every demand of a defendant, upon an *exigent*, and every proclamation upon a writ of proclamation, or in a real action, twelve and an half cents.

Summoning a jury, one dollar.

A copy of the panel of the jurors, twelve cents.

Serving an execution for or under two hundred and fifty dollars, two cents and four mills per dollar ; and for every dollar more than two hundred and fifty, one cent and two mills ; the poundage on writs of *fiери factas*, and all other writs for levying monies, to be taken only for the sum levied.

Advertising lands or tenements for sale on any execution, one dollar and eighty-seven and an half cents, to be recovered in like manner as his poundage ; and half that sum, if such execution be stayed or settled after advertising and before the sale ; and no further sum shall be demanded for continuing such advertisement more than six weeks.

Serving a writ of possession or restitution without the aid of the *posse comitatus*, one dollar and twenty-five cents ; and with the aid of the *posse comitatus*, three dollars and seventy-five cents, and mileage for every mile from the place fixed by law, six cents.

Every person committed to prison, thirty-seven and an half cents.

Discharging every person from prison, thirty-seven and an half cents.

Bringing up a prisoner by *habeas corpus* in civil causes, one dollar and fifty cents, and mileage for every mile from the gaol, twelve and an half cents.

Executing a writ of inquiry, summoning the jury for that purpose, and returning the inquisition, one dollar and fifty cents.

For attending a view, one dollar and eighty-seven and an half cents per day ; and going and returning, one dollar and twenty-five cents per day.

Attending with a prisoner before a judge, on his being surrendered by his bail, and for receiving the prisoner into custody, one dollar.

Summoning the jury to inquire of a forcible entry or detainer, two dollars and fifty cents.

Copy of every writ, when demanded, nineteen cents.

Serving an attachment against the estate of an absconding or absent debtor, so much as the judge who issued the warrant shall certify to be reasonable.

Serving a notification issued by the comptroller on any person to account for monies received to the use of the people of this state, the like fees as on serving common process ; and all services done by them in their offices for the public whether in the supreme court or elsewhere, the like fees as are allowed for the like services in causes between private parties.

Provided, That no sheriff shall be allowed any fee for the service or execution of any mesne process returnable on the first day of any term unless the same shall be returned during such term, nor on any such process returnable on any subsequent day of any term, unless the same shall be returned within twenty days after the return day.

The Cryer's Fees in the Supreme Court.

Cryer's fees. For calling every action, nine cents.

Ringling the bell for each action in court, twelve and an half cents.

Calling a jury, twelve and an half cents.

Swearing a witness, six cents.

Making proclamation for the discharge of any person, nine cents.

Calling the plaintiff on a nonsuit, nine cents.

Calling the defendant on a default, nine cents.

Calling the defendant on a recognizance, nine cents.

Every proclamation upon a fine, nine cents.

The Juror's Fees in the Supreme Court, Circuit Courts and Sittings.

Juror's fees. For every juror for each action in which he is sworn, twelve and an half cents, if in the city and county of New-York ; and in any other city or county, twenty-five cents.

Every juror coming to and attending a view and returning, seventy-five cents per day.

Every struck juror, or juror from a foreign county, coming to and attending at court and returning, seventy-five cents per day.

Fees to the Attorney-General.

For his services on occasions where he may attend on behalf of the people of this state, without the state of New-York, at the rate of five dollars and fifty cents per day, besides all charges for expenditures and disbursements necessarily incurred by him, in or about the prosecution or defence of any action, right or claim in which the people of this state may be interested; and the like sum per day for his services in attending any court of oyer and terminer and gaol delivery in any county of this state, other than the city and county of New-York, at the request of the person administering the government of this state or of a judge of the supreme court.

Fees to the
attorney-
general.

Fees to the District Attornies.

For drawing every precept and every indictment, including such as may be prepared by the direction of the grand jury although afterwards not finally agreed to by them, at the court of oyer and terminer or gaol delivery and general sessions of the peace, nineteen cents for drawing per folio, and for engrossing, twelve and an half cents per folio.

District at-
tornies' fees.

Process of *subpoena* actually made out and issued, twenty-five cents for every *subpoena*; for process actually made out and issued to bring in the defendants, twenty-five cents on each indictment.

Arguing the matter where the defendant shall submit, one dollar and twenty-five cents.

Every trial, or arguing a demurrer, or in opposition to a motion in arrest of judgment, in the court of oyer and terminer or gaol delivery, and general sessions of the peace, four dollars.

The proceedings in outlawry, twelve dollars and fifty cents, for each defendant outlawed, and at the rate of fifteen cents per mile, to be computed from their respective places of residence, for going to and returning from each court they shall attend.

A transcript certified into the court of exchequer, twenty-five cents for each defendant named therein.

Making up a record by order of a judge, nineteen cents for the draft, and twelve and an half cents for the copy, for each sheet containing seventy-two words, and the like compensation if made up at the instance of a defendant, but then to be paid for by such defendant.

And for their services at any court at which the attorney-general shall also attend, at the request of the person administering the government of this state, or a judge of the supreme court, five dollars for every day they shall so attend.

The Fees of the Judges of the Courts of Common Pleas and Mayor's Courts.

Fees to the First Judge.

Fees of the
first judge.

For a licence to an attorney, one dollar.

Fees to the Recorder in the several Mayors' Courts.

Recorder's
fees.

For the first motion in every cause, seventy-five cents.

Fees to be divided among the Judges who are present when the Service is done.

Judges' fees.

For the first motion in every cause in the court of common pleas; thirty-seven and an half cents.

Admitting a person to practise as an attorney one dollar and eighty-seven and an half cents.

Admitting a guardian on the act for the partition of lands, twenty-five cents.

Fees to be paid to the Judge, Mayor or Recorder who does the Service.

Judges, &c.
for particular
services.

For admitting an infant by guardian or next friend, nineteen cents.

Taking bail in his own court, twenty-five cents; in the supreme court, thirty-seven and an half cents.

Taking acknowledgment of satisfaction out of court, twelve and an half cents.

Attending on shewing cause of action, or other special matter out of court, twenty-five cents.

Taking an affidavit, twelve and an half cents.

Allowing a warrant of attorney, twelve and an half cents.

Taking and drawing acknowledgment or proof of a deed or mortgage, lease and release to be considered as one deed, thirty-seven and an half cents.

A certificate or order concerning an insolvent debtor, thirty-seven and an half cents.

A warrant, order, report, certificate, or appointment of trustees in pursuance of the act concerning absconding and absent debtors, thirty-seven and an half cents.

Signing a judgment, twelve and an half cents.

Taking a bill of costs, twenty-five cents; but no judgment shall be signed or taxation of costs made by any assistant judge of any court.

Fees of the Justices of the Peace.

Fees of the
justices of the
peace.

For a precept to summon a jury to inquire of a forcible entry or detainer, thirty-seven and an half cents.

Administering an oath, twelve and an half cents.

Swearing a jury to inquire of a forcible entry or detainer, twenty-five cents.

A precept to summon a jury to try a traverse of the force, thirty-seven and an half cents.

Swearing a jury to try the traverse, twenty-five cents.

*For taking admission
of satisfaction
in the Court -*

For drawing the conviction on a forcible entry or detainer, one dollar.

A warrant of restitution, thirty-seven and an half cents.

A *mittimus* for a fine or forfeiture, nineteen cents.

A warrant against any person for a breach of the peace or a misdemeanor, nineteen cents.

A bond or recognizance, twenty-five cents.

A summons upon a penal law, twelve and an half cents.

Drawing a conviction, thirty-seven and an half cents.

A warrant to levy a penalty, nineteen cents.

The Attornies' Fees in the Courts of Common Pleas and Mayor's Courts.

For a retaining fee, two dollars and fifty cents ; but where several suits are brought upon one obligation, note or bill of exchange, no more than one retaining fee shall be allowed, nor shall any retaining fee be allowed in any suit upon a bail bond, or to the defendant's attorney upon confessing judgment on a bond by virtue of a warrant of attorney. Attornies' fees.

A warrant of attorney, twelve and an half cents.

Drawing and copy of a plaint, nineteen cents.

Every necessary motion, twenty-five cents.

Drawing a declaration, seventy-five cents.

Copy of a declaration, thirty-seven and an half cents.

Drawing a plea, twenty-five cents.

Copy thereof, twelve and an half cents.

Drawing all other pleadings, twelve and an half cents for each sheet containing seventy-two words ; and for a copy thereof, six cents for each sheet.

Drawing a writ of inquiry and copy, one dollar and twelve and an half cents.

Drawing every notice of trial, copy and service, twenty-five cents.

Copy and serving on the judge or judges, twelve and an half cents.

Drawing every other notice, copy and service, nineteen cents.

Drawing a brief for trial, or inquest, and copy, seventy-five cents.

Fee on trial, or for arguing demurrer, or special verdict, two dollars.

Fee on inquest or assessment of damages by the clerk, one dollar.

Attendance on a judge on examining a witness, or showing cause of action, or to mitigate bail, or other special matter, twenty-five cents.

Attendance on taxing costs, twenty-five cents.

Copy of a bill of costs to be taxed for the opposite party or his attorney, when required, twenty-five cents.

For drawing and copy of record of judgment, one dollar and fifty cents.

Fees of the Clerks of the Courts of Common Pleas and Mayor's Courts.

- Clerk's fees.** For every writ of *capias*, entering the action and seal, twenty-five cents.
- A bond given by the plaintiff to prosecute when necessary, twenty-five cents.
- Copy of a declaration when required, thirty-seven and an half cents.
- Copies of all other pleadings when required, six cents for each sheet of seventy-two words.
- Filing every declaration or other pleading or paper, six cents.
- Entering a *retraxit*, or discontinuance, or satisfaction, twelve and an half cents.
- Entering every rule, twelve and an half cents, and for a copy thereof when required, twelve and an half cents.
- Attending the striking or balloting a jury or both, and making a copy of the panel for each party, fifty cents.
- Entering an appearance or default, six cents.
- Entering the return of every writ, six cents, and filing the writ, six cents.
- Drawing special bail when he does it, twelve and an half cents.
- Reading and entering allowance of *habeas corpus*, writ of error or *certiorari*, and for the return thereof, fifty cents.
- A *venire* or other jury process and seal, thirty-seven and an half cents.
- A *subpoena*, twenty-five cents.
- Calling a panel, and swearing a jury, nineteen cents.
- Swearing each witness on trial, six cents, and swearing a constable, six cents.
- Reading every paper given in evidence, six cents.
- Receiving and entering a verdict, twelve and an half cents.
- Entering judgment, twelve and an half cents.
- Sealing a writ of inquiry, nineteen cents.
- Every report of damages assessed by him, one dollar.
- Drawing a jury and making a panel, at the instance of a sheriff or other proper officer on jury process, seventy-five cents.
- Making and returning a book of freeholders for striking a jury, three dollars and seventy-five cents.
- An execution and seal, thirty-seven and an half cents.
- Entering recognizance of bail on record, twenty-five cents.

For drawing and copy of a record of judgment, when done by him, one dollar and fifty cents, and for a copy to be signed when the attorney makes the draft, seventy-five cents.

Searching the records in any one year, twelve and an half cents, and for every other year in which search is made, three cents.

Docketing a judgment twelve and an half cents.

Filing a record, six cents.

Searching for a judgment in one term, twelve and an half cents; and in every other term in which such search is made, six cents.

Swearing each witness to a will or codicil, six cents.

Drawing the proof of wills or codicils, twelve and an half cents for each sheet of seventy-two words.

Recording deeds, wills and codicils, and the proof thereof required by law, nineteen cents for each sheet containing one hundred and twenty-eight words, and for copies thereof when required, twelve and an half cents for every sheet of one hundred and twenty-eight words.

Entering or registering each mortgage, one dollar.

Entering satisfaction on every mortgage, twenty-five cents.

And the said clerk, as clerk of the general sessions of the peace, shall be entitled to the same fees for the like services as he is entitled to receive as clerk of the oyer and terminer and general gaol delivery; and no person being bound by recognizance to appear and answer, or indicted and fined either in the supreme court or any court of oyer and terminer and gaol delivery or general sessions of the peace, shall be discharged until such person shall have paid the fees of the clerks of the said courts respectively.

Fees of the clerk of the sessions.

The Sheriff's Fees in the Courts of Common Pleas and Mayor's Courts.

For serving a writ, thirty-seven and an half cents.

Sheriff's fees.

Mileage to be computed as in the supreme court, six cents per mile.

Every bail bond, thirty-seven and an half cents.

Returning a writ, if served, nine cents.

Summoning a jury, seventy-five cents.

A copy of the panel of the jurors, twelve cents.

Attending a view, one dollar and twenty-five cents per day, and going and returning, one dollar per day.

Every demand of a defendant upon an *exigent*, and every proclamation on a writ of proclamation, or in a real action, twelve and an half cents.

Serving an execution for or under two hundred and fifty dollars, six cents for every two dollars and fifty cents; and for every two dollars and fifty cents

more, three cents ; the poundage on writs of *fiert facias* and all other writs for levying money, to be taken only on the sum levied.

For serving a writ of possession or restitution, with the aid of the *posse comitatus*, two dollars and fifty cents ; and without such aid, one dollar and twenty-five cents, and mileage, going only, for every mile from the place fixed by law, six cents.

Every person committed to prison, thirty-seven and an half cents.

Discharging every person from prison, thirty-seven and an half cents.

Executing a writ of inquiry, summoning the jury for the purpose and returning the inquisition, one dollar and fifty cents.

Attending with a prisoner before a judge on his being surrendered by or in discharge of his bail, and receiving the prisoner into custody, fifty cents.

Copy of every writ when demanded, twelve and an half cents.

Serving an attachment against the estate of an absconding or absent debtor, so much as the judge who issues the warrant shall certify to be reasonable.

Provided, That no sheriff shall be allowed any fee for the service or execution of any mesne process returnable on the first day of any term, unless the same shall be returned during such term, nor on any such process returnable on any subsequent day of any term, unless the same shall be returned within twenty days after the return day.

The Cryer's Fees in the Courts of Common Pleas, Sessions and Mayor's Courts.

Cryer's fees. For calling every action, nine cents.

Calling a jury, twelve and an half cents.

Calling and swearing a witness, six cents.

Ringling the bell, for every action, nine cents.

Calling a defendant, six cents.

Calling a plaintiff on a nonsuit, six cents.

Making proclamation for the discharge of any person, six cents.

Calling any person on recognizance, six cents.

The Jurors' Fees in the Common Pleas and Mayor's Courts.

Jurors' fees. For every juror sworn in each action in the mayor's court of the city and county of New-York, twelve and an half cents ; and in any other court of common pleas or mayor's court, twenty-five cents.

Each juror attending a view, fifty cents per day.

Every struck juror, seventy-five cents per day.

The Coroner's Fees.

Coroner's fees. For the view of each body, three dollars and seventy-five cents ; *Provided*, That in Richmond county, the

coroner's fees shall be no more than two dollars and fifty cents.

For serving writs in all cases, the like fees as are herein before allowed to the sheriff for the like service.

And the fees of the coroner for taking inquests in each county shall be certified by at least two of the supervisors, and paid by the treasurer of the county; and in the city of New-York, the same shall be paid in the same manner as the other contingent charges in the said city are directed to be paid.

The Constable's Fees.

For serving a warrant, nineteen cents.

Constable's fees.

Serving a summons, twelve and an half cents,

Mileage, for every mile going only, six cents.

Levying a fine or penalty to the amount of two dollars and fifty cents or under, twelve and an half cents; and on all sums above two dollars and fifty cents, at the rate of twelve and an half cents on every two dollars and fifty cents.

Taking a defendant in custody on a *mittimus*, twelve and an half cents.

Conveying a person to gaol, twelve and an half cents, if within one mile, and for every mile more going only, six cents.

Fees of the Court of Probates.

For administering an oath, twelve and an half cents.

Judge's fees.

Drawing the proof of a will or codicil, nineteen-cents for each sheet containing one hundred and twenty-eight words.

The probate of a will and the letters testamentary thereon, or letters of administration, nineteen cents for each sheet of one hundred and twenty-eight words.

Affixing the seal to the same, seventy-five cents.

Drawing and copy of bond on granting letters of administration, fifty cents.

Recording wills, codicils and the proof thereof, and letters testamentary, and letters of administration, nineteen cents for each sheet containing one hundred and twenty-eight words.

Entering and filing a *caveat*, nineteen cents.

A citation to witnesses, or for any other purposes including the seal, seventy-five cents.

Taking and entering and filing a renunciation, thirty-seven and an half cents.

Filing an inventory, twelve and an half cents, searching the records in his office in any one year, twelve and an half cents, and for every other year in which such search is made, six cents.

Filing a petition, twelve and an half cents.

Making and entering every order, seventy-five cents.

For taking depositions, nineteen cents for each sheet containing one hundred and twenty-eight words.

Copies of all records, depositions or other pleadings, when required, twelve and an half cents for each sheet containing one hundred and twenty-eight words.

Every decree or sentence in suits for legacies, or distributions, or order for the sale of any real estate, three dollars and seventy-five cents.

An execution, one dollar and twenty-five cents.

Hearing and determining where a will or administration is contested or upon appeal, two dollars and fifty cents.

The seal to exemplifications, seventy-five cents.

The Fees of the Surrogates.

Surrogate's
Fees.

For administering an oath, twelve and an half cents.

Drawing the proof of a will or codicil, nineteen cents for each sheet containing one hundred and twenty-eight words.

The probate of a will and letters testamentary thereon, or letters of administration, nineteen cents for each sheet containing one hundred and twenty-eight words.

The seal to the same, seventy-five cents.

The bond upon granting letters of administration, fifty cents.

Recording wills, codicils and the proof thereof, and letters testamentary, and letters of administration, nineteen cents for each sheet containing one hundred and twenty-eight words.

Entering and filing a *caveat*, nineteen cents.

Filing every petition for the sale of any real estate, twelve and an half cents.

Making and entering every order thereon, seventy-five cents.

Every decree or order for the sale of any real estate, three dollars and seventy-five cents.

A citation for witnesses, or any other purpose, including the seal, seventy-five cents.

Taking, entering and filing a renunciation, thirty-seven and an half cents.

Filing an inventory, twelve and an half cents.

Searching the records in his office for any one year, twelve and an half cents, and for every other year in which such search is made, six cents.

Taking depositions, nineteen cents for each sheet containing one hundred and twenty-eight words.

Copies of records or depositions when required, twelve and an half cents for each sheet containing one hundred and twenty-eight words.

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For hearing and determining where a will or administration is contested, two dollars and fifty cents.

The seal to exemplifications, seventy-five cents ; but no fees shall be demanded or taken by any surrogate in any case where it shall appear to him by the oath of the person applying for letters testamentary or of administration, that the goods, chattels and credits of the testator or intestate, do not exceed the value of thirty-seven dollars and fifty cents.

Witness's Fees in the several Courts and the Charges of summoning them.

For each witness attending in his own county, twenty-five cents per day, besides his reasonable expenses.

Witness's fees in the several courts

Attending from a foreign county, and coming and returning, fifty cents per day, besides his reasonable expenses.

The judge of the court of probates, the secretary of the state, or any clerk or surrogate attending on *subpoena* with wills, records, or other written evidence, one dollar and twenty-five cents per day.

Every surveyor for going to and returning from a view, and for going to, attending at and returning from the trial, one dollar and twenty-five cents per day, and for his actual service on the view, two dollars and fifty cents per day.

Serving a *subpoena* on each witness, twelve and an half cents.

Serving a subpoena.

Fees to be paid to the Secretary who shall keep an Account of such Fees and exhibit the same Quarter Yearly to the Comptroller of this State, who shall examine and file the same in his Office, and certify the Amount thereof to the Treasurer, and the said Secretary shall pay the same to the Treasurer.

For entering a caveat, twelve and an half cents.

Secretary's fees.

Searching the records in his office for any one year, twelve and an half cents ; and for every other year in which such search is made, six cents.

Copies of records, twelve and an half cents for each sheet containing one hundred and twenty-eight

Existing words.

Every patent for lands, for a single lot, the sum of eight shillings ;* for each patent for more than one and less than four lots, the sum of twelve shillings for each patent ; for more than three and less than nine lots, the sum of sixteen shillings ; and for each patent for more than eight lots, the sum of twenty-four shillings ; which fees shall be paid by the person or persons in whose favour any patent or patents shall issue.

*My copy
Why late
12 11
52
30*

* This provision was added after the bill was reported to the Legislature. 4.

Fees for administering oaths.

Persons acting in two capacities not to have fees in both for the same service.

Penalty for taking greater fees than are allowed by this act.

Former acts repealed.

II. *And be it further enacted*, That no person empowered to administer oaths, shall demand or take any fee for administering the oath of allegiance or oaths of office to the members of the legislature, nor more than twenty-five cents for administering such oaths to any other officer.

III. *And be it further enacted*, That whenever the same person shall act as attorney and counsel, or as solicitor and counsel in the same cause, he shall not be entitled for the same service to fees both as counsel and attorney, or as counsel and solicitor, but shall be allowed the fees of counsel only, in the courts of common law and chancery, for the particular service done as counsel; and the fees of an attorney or solicitor only for the particular service done as attorney or solicitor, and shall not in any such case be allowed any fees for attending upon or consulting with counsel, or for any copies of papers, pleadings or records for counsel.

IV. *And be it further enacted*, That if any person shall knowingly or wilfully exact or compel any person to pay for any of the services aforesaid any other or greater fee, sum of money or reward than is herein before allowed for the same, every such person upon conviction thereof, either at the suit of the party grieved or upon information or indictment, shall pay to the party grieved treble damages, and such fine to the people of the state of New-York, as the court in which such conviction shall be had shall think proper to impose, and shall also if an officer forfeit and lose his office.

V. *And be it further enacted*, That all former acts regulating the fees of the said several officers and ministers of justice, shall be and the same are hereby repealed.

Clerk of the Exchequer

CHAP. IX.

An ACT for the better levying and accounting for Fines, Forfeitures, Issues, Amerciaments, and Debts due to the People of this State.†

Passed 9th February, 1786.

II. **A**ND *be it further enacted by the authority aforesaid*, That the justices of the supreme court for the time being, from time to time, when and as often as may be necessary, by rule or order, to be entered in the minutes of the said supreme court, shall nominate, and the chief

† This act so far as relates to the salary of the clerk of the exchequer was by mistake, omitted to be included in one of the revised bills, and that mistake not discovered until after the first volume of the edition was printed. It is therefore inserted here with so much of the 2d section as was necessary to make the 4th section intelligible. E.

See Sep 11
Ch 19

mean in
remembrance

justice of the same supreme court, under his hand and the seal of the same supreme court, commission an experienced and proper person to be clerk of the court so to be held, who shall be called the clerk of the exchequer in the supreme court, and shall hold his office during the pleasure of the justices of the said supreme court.

IV. *And be it further enacted by the authority aforesaid, That every such clerk so to be appointed, before he enters upon the execution of his office, shall take the oaths required by law to be taken by ministerial officers; and shall be allowed and paid the yearly salary of two hundred and fifty pounds for his services.*

[REMAINDER OF THIS ACT OBSOLETE.]

City of New-York.

TENTH SESSION. CHAP. LIX.

An ACT for the more effectual Preservation of the Public Wells and Pumps in the City of New-York.

Passed 19th March, 1787.

WHEREAS it is found by experience that the keeping the public wells and pumps in the city of New-York in constant repair, hath contributed to the safety of the said city against accidents by fire: Therefore,

Preamble.

York Hill

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for the mayor, recorder and aldermen, or any five of them, whereof the mayor or recorder to be one, and they are hereby directed and required, on the first Tuesday in May next, and on the first Tuesday in May in every year thereafter, to nominate and appoint one or more fit person or persons for each and every of the wards of the said city, being inhabitants of the said city and actually resident in such respective wards, to be overseers of the wells and pumps in such respective wards, for the year then next ensuing; all which persons so to be appointed as aforesaid, shall have the care and charge of all and every the public wells and pumps which now are or hereafter shall be sunk or made in the ward for which he or they shall be so severally appointed overseers as aforesaid; of which appointment so to be made, the said mayor or recorder, with three or more aldermen, shall within three days thereafter, send notice in writing to each and every of the said persons so by them to be appointed overseers as aforesaid; and if any public well or pump shall stand in a street where two wards do join,*

Overseers of public pumps and wells to be appointed.

then the aldermen of the two wards so joining; or if they disagree, the mayor or recorder with them shall direct and appoint which of the overseers shall take the care and charge of such well or pump; and if any public well or pump shall stand in a street where three wards do join, that then the aldermen of the said wards so joining, or the major part of them, shall direct and appoint which of the said overseers shall take the care and charge of such well or pump.

Their duty.

In case of death or removal, others to be appointed.

To keep true accounts of expenditures.

Penalty for neglect of duty.

II. *And be it further enacted by the authority aforesaid,* That each and every person so to be appointed overseer as aforesaid, shall, within eight days next after his being so appointed, and notice thereof to him given as aforesaid, cause all and every the wells and pumps whereof he is or shall be appointed overseer as aforesaid, to be viewed, examined, cleansed and put in good order and repair, and shall so keep and maintain them, from time to time, as long as he shall continue overseer thereof; and shall also, from time to time, cause new pumps to be put into such wells as the alderman and assistant of the ward shall judge necessary; and in case any one or more of the overseers to be appointed by virtue of this act shall remove out of the said city, or shall die before the expiration of one year next after his being appointed, or being appointed shall refuse to act, that then and in either of the said cases it shall and may be lawful to and for the said mayor, recorder and aldermen of the said city, or any five of them, whereof the mayor or recorder to be one, by a majority of voices, to appoint another or others in his or their room and stead, and so as often as such case shall happen; *And further,* That all and every the overseers to be appointed by the said mayor, recorder and aldermen, by virtue of this act, shall keep just, fair and exact accounts, of all and every sum and sums of money, which they or any of them shall pay and expend in, about and towards the cleansing, maintaining and keeping in good repair the wells and pumps in his or their charge.

III. *And be it further enacted by the authority aforesaid,* That in case any or either of the overseers so to be appointed by virtue of this act, shall neglect or refuse to accept the office, or having accepted thereof shall neglect or refuse to do his duty therein as is required by this act, every such person shall, for every such refusal, neglect or delay, forfeit the sum of five pounds, lawful money of this state, to be recovered by action of debt, with costs of suit, in any court within this state having cognizance thereof, by any person or persons who shall sue and prosecute the same to effect, one half of which forfeiture, when recovered, shall be paid to the treasurer or chamberlain of the said city for the time being, and applied towards repairing such public wells and pumps in the same

manner as the other monies to be raised for that purpose are directed to be appropriated, and the other half to the person who shall sue and prosecute for the same to effect as aforesaid.

IV. *And be it further enacted by the authority aforesaid,* To account every three months. That the overseers of the public wells and pumps in each of the wards of the said city, shall once in every three months, render to the mayor, aldermen and commonalty of the said city of New-York, in common council convened, a just and true account upon oath of all and every sum and sums of money by him or them respectively paid and expended in and about the cleansing, amending and repairing the wells and pumps aforesaid, together with the vouchers or receipts for the same, to be by them inspected, examined and filed, and the said common council of the city of New-York shall thereupon forthwith issue their warrant to be signed by the mayor or recorder, presiding at such common council, directed to the treasurer or chamberlain of the said city for the time being, and requiring him to pay to such overseer so producing vouchers and making oath to his account, the full amount thereof out of any monies remaining in his hands for such purposes.

V. *And whereas* divers disorderly persons have frequently been guilty of cutting well-ropes and breaking the handles of pumps and doing other mischiefs to both : Penalty on persons maliciously damaging pumps, &c. For prevention whereof for the future, *Be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully or maliciously cut any of the public well-ropes, or break or injure the handles of, or do any other hurt or damage to any of the said wells or pumps, and shall thereof be convicted before the mayor, recorder or any one of the aldermen of the said city, either by the confession of the party or parties so offending or by the oath of one or more credible witness or witnesses, he, she or they shall, for every such offence, forfeit the sum of forty shillings, to be recovered with costs of suit, and levied by warrant under the hand and seal of such mayor, recorder or alderman, before whom such offender or offenders shall be convicted, one half of which forfeiture to be paid to the treasurer or chamberlain of the same city for the time being, to be applied as aforesaid, and the other half to the person or persons who shall prosecute for the same to effect ; and upon refusal of payment of such forfeiture or forfeitures, and want of sufficient distress whereon the same can be levied, then the said mayor, recorder or alderman, before whom such conviction shall take place, is hereby empowered and required, by warrant under his hand and seal to commit every such offender to the bridewell or house of employment of the said city, there to remain without bail or mainprise for the space of

one month, or until such forfeiture and cost shall be paid; and if such offence shall be committed by any apprentice, servant or slave, such forfeiture shall be paid by his or her master, mistress or owner, or in default thereof, such apprentice, servant or slave shall be committed to the bridewell or house of employment of the said city, in manner aforesaid.

C H A P. LXI.

An ACT for the better regulating the public Roads in the City and County of New-York.

Passed 21st March, 1787.

Common council appointed commissioners of highways in New-York.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the mayor, aldermen and commonalty of the city of New-York, in common council convened, and their successors, shall be and hereby are appointed commissioners to regulate and keep in repair the present public roads or highways, and to lay out, regulate and keep in repair such other public roads or highways as shall hereafter be laid out in the said city and county.

Authorized to widen or alter highways.

II. *And be it further enacted by the authority aforesaid,* That the said commissioners, so as aforesaid by this act appointed, shall be and hereby are fully authorized and empowered to widen or alter all public roads and highways already laid out in the said city and county, to such convenient breadth, not exceeding four rods, nor less than two rods, as the said commissioners shall judge fit, to make them passable for horses and carriages; and also to lay out and make such other public roads or highways, as they shall think necessary or convenient for the said city and county in manner aforesaid, if the owner or owners of the said lands through which such new roads are to run, or his, her or their agent or legal representative, will, on reasonable recompence, consent to the same; and if in widening or altering any such public road or highway now in being, or if in laying out any public road or highway hereafter, or in widening or altering the same, the said commissioners shall take or require for such purposes the lands of any person or persons, they shall give notice thereof to the owners or proprietors of such land, or to his, her or their agent or legal representative; and to the end that reasonable satisfaction may be made for all such lands as shall be taken and employed for the use aforesaid, the said commissioners shall and may treat and agree with the owners and persons interested therein, or his, her or their agent or legal representative; and if any such owners or proprietors shall refuse to treat in manner

Lands appropriated for that purpose to be paid for.

Manner of ascertaining the value thereof.

Mark Rile
for Mark Rile
head, widening and
laying out streets
in New-York

aforesaid, then and in such case it shall and may be lawful to and for the mayor or recorder, and any two or more aldermen by virtue of this act, to issue a precept directed to the sheriff of the said city and county of New-York, commanding him to impanel and return, and he is hereby required to impanel and return a jury to appear before the mayor's court at the then next meeting thereof, not less than three weeks from the date of such precept, to inquire of and assess the damages and recompence due to the owner or owners of such land, and at the same time to summon the owner or owners of such land, or his, her or their agent or legal representative, by notice to be left at his or her last most usual place of abode, to appear before such mayor's court on the day and at the place of the return of such precept ; which jury, being first duly sworn for that purpose, and having viewed the premises, if necessary, shall inquire of and assess such damages and recompence as they shall under all the circumstances judge fit to be awarded to the owner or owners of such land, according to their several and respective interests and estates of and in such land, or any part thereof, for their respective interests and estates in the same ; and the verdict of such jury and the judgment of the said mayor's court thereupon, and the payment of the sum and sums of money so awarded and adjudged to the owner or owners thereof, or tender and refusal thereof, shall be binding to all intents and purposes against the said owners and their respective heirs, executors, administrators and assigns, claiming any interest or title in or to the same land, and shall be a full authority to the said commissioners to cause the said land to be converted to and used for the purposes aforesaid, any thing herein or in any other law contained to the contrary hereof in any wise notwithstanding.

III. *Provided always, and be it further enacted by the authority aforesaid,* That nothing in this act before contained, shall be deemed to authorize or require compensation to be made to any person or persons, for any lands which he, she or they shall have obtained by encroaching on such public road or highway ; *And provided further,* That the main road or highway leading to Kingsbridge shall not be of less breadth than it is at present, nor any part thereof less than four rods wide.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the said commissioners, to cause to be made, built and erected, such and so many causeways and bridges, and at such places as they shall think necessary, and to cause ditches from such public roads or highways to be made and cut through any person's land where they shall judge proper for conveying the water from and keeping the same roads or highways dry and in good order, and from time to time

Road to
Kingsbridge
not to be less
than 4 rods.

Commissioners
authorized to build
bridges and
causeways,
and make
ditches.

to appoint one or more surveyors or overseers of the said roads or highways, and to employ labourers and workmen to make and keep the same in repair.

Returns of
public roads
to be record-
ed.

same as 243
V. *And be it further enacted by the authority aforesaid,* That the said commissioners shall from time to time make regular returns in writing of all the roads or highways by them widened, altered or laid out, to be signed by the clerk of the common council of the said city of New-York, and cause the same to be entered in the records of the same city; and that whatever the same commissioners shall do according to the power given them by this act, being so entered on record, shall be deemed good and valid to all intents, constructions and purposes in the law whatsoever.

Penalty on
injuring or
obstructing
the roads.

My rule
VI. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wantonly spoil or damage any such roads, bridges or causeways, or fill up or destroy any of the ditches aforesaid, or fence across any of the said roads or highways, or erect or set up any gates thereon, or put or leave in any of them any unnecessary obstruction, without leave of the said commissioners; or if any person or persons shall leave a dead horse, or the carcase of any other beast, or any broken carriage, in any of the said roads or highways, for any longer time than may be necessary to remove the same, or set up in or near the said roads or highways any thing by which horses are usually affrighted, or shall by any improper behaviour, affright any horse or traveller on any of the same roads or highways, every such person shall for every such offence forfeit and pay to the treasurer or chamberlain of the said city for the time being, the sum of forty shillings, lawful money of this state, to be recovered by the same treasurer or chamberlain, with costs of suit, by action of debt, before any court having cognizance thereof; and when recovered to be applied to the repairing and improving the said roads or highways, as the said commissioners shall think fit; *And further,* To prevent as far as possible the evasion of the good purposes intended by this act, that the owners of every dead horse or other nuisance aforesaid, left in any of the said public roads or highways, shall be deemed to have put or left the same thereon, unless he or she prove the contrary.

Overseers to
remove nu-
isances.

My rule
VII. *And be it further enacted by the authority aforesaid,* That on information being given by any person whomsoever to the overseer or overseers of the said roads or highways, of any of the said nuisances or obstructions, he shall immediately proceed to the removing thereof, and shall also use his best endeavours to discover the person or persons who committed the same, who upon discovery shall not only be liable to the penalties herein before appointed, but also to the costs of removing them and a

reasonable compensation to such overseer or overseers for his or their time or trouble therein, to be recovered by such overseer or overseers with costs of suit, before any court having cognizance thereof as aforesaid; *And further*, That every overseer who shall neglect or refuse to do his duty, according to the true intent and meaning of this act, shall for every such neglect or refusal, forfeit and pay to the treasurer or chamberlain of the said city for the time being, the sum of five pounds, like lawful money, for every offence, to be recovered with costs of suit and paid and applied as aforesaid.

Penalty for neglect.

VIII. *And be it further enacted by the authority aforesaid*, That the first process to be issued against any offender or offenders against this act, shall be by warrant and not otherwise, and that the execution on conviction shall be against the goods and chattels of the offender or offenders, and for want of such goods and chattels, against his, her or their bodies, and shall be contained in one and the same precept, and not otherwise, any law, usage or custom to the contrary hereof in any wise notwithstanding.

Process against offenders to be by warrant.

IX. *And be it further enacted by the authority aforesaid*, That in case any person or persons shall fell or otherwise destroy any tree or trees standing on any of the said roads, or within the distance of one rod thereof, without the leave of the said mayor, aldermen and commonalty, or of the owner of such tree or trees, such person or persons shall for every such offence forfeit the sum of three pounds, to be recovered, paid and applied as aforesaid.

Penalty for destroying trees in any road.

X. *And be it further enacted by the authority aforesaid*, That in all cases of persons meeting each other on any of the said roads or highways in carriages, waggons, carts or sleighs, those who are going out northward, shall give way to such as are coming in southward, under the penalty of forty shillings for every offence, to be recovered, paid and applied in manner aforesaid.

Persons going northward to give way to those coming southward.

ELEVENTH SESSION. CHAP. LXXXI.

An ACT to prevent the Storing of Gun-Powder within certain Parts of the City of New-York.

Passed 15th March, 1788.

WHEREAS the practice of storing gun-powder within certain parts of the city of New-York, is dangerous to the safety of the said city; Therefore,

Preamble.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same*, That it shall not be lawful for any person or persons to have or keep any quantity of gun-powder, exceeding twenty-eight pounds weight, in any one place, house, store or out-house, less than one

Not more than twenty-eight pounds of powder be kept in any one place within certain limits, and how separated.

Under a penalty.

mile to the northward of the city-hall of the said city, except in the public magazine at the Fresh-water, which said quantity of twenty-eight pounds shall be separated in four stone jugs or tin canisters, each of which shall not contain more than seven pounds; and if any person or persons shall keep any greater quantity than twenty-eight pounds, in any one place, house, stove or out-house, or if the same gun-powder so permitted to be kept as aforesaid shall not be separated in the manner herein above directed, he, she or they shall forfeit all such gun-powder so kept contrary to the true intent and meaning of this act, or so permitted to be kept, and which shall not be separated as aforesaid; and shall also forfeit the sum of fifty pounds for every hundred weight of powder, and in that proportion for a greater or less quantity, to be recovered with costs of suit in any court having cognizance thereof, by any person or persons who will sue for the same; *Provided always*, That all actions and suits to be commenced, sued or prosecuted, against any person or persons for any thing done contrary to this act, shall be commenced, sued or prosecuted within two calendar months next after the offence committed, and not at any time thereafter.

Commanders of vessels to land and store gun-powder within 24 hours after their arrival.

II. And to avoid dangers from gun-powder laden on board of any ship or other vessel arriving from sea, *Be it further enacted by the authority aforesaid*, That the commander or owner or owners of every ship or other vessel arriving from sea, and having gun-powder on board, shall within twenty-four hours after her arrival in the harbour, and before such ship or other vessel be hauled along side of any wharf, pier or key within the said city, land the said gun-powder, by means of a boat or boats, or other small craft, at any place on the East-river east of the wharf now building by Thomas Buchanan, or at any place on the North-river, to the northward of the air-furnace, which may be most contiguous to any of the magazines, and shall cause the same to be stored in one of the magazines now built, or hereafter to be built for that purpose, on pain of forfeiting all such gun-powder to any person or persons who will sue and prosecute for the same to effect, in manner aforesaid.

How gun-powder may be conveyed through the streets.

III. And to prevent any evil consequences which may arise from the carriage of gun-powder, *Be it further enacted by the authority aforesaid*, That all gun-powder which shall be carried through the streets of the said city, by carts, carriages or by hand, or otherwise, shall be in tight casks, well headed and hooped, and shall be put into bags or leather cases, and entirely covered therewith, so that no powder may be spilled or scattered in the passage thereof, on pain of forfeiting all such gun-powder as shall be conveyed through any of the streets aforesaid, in any other manner than is hereby directed; and it shall and may be

lawful for any person or persons to seize the same to his or their own use and benefit, and to convey the same to one of the magazines aforesaid, and thereupon to prosecute the person or persons offending against this act before the mayor or recorder and any two aldermen of the said city ; and such gun-powder shall upon conviction be condemned to the use of the person or persons seizing the same.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the mayor or recorder, or any two aldermen of the said city, upon application made by any inhabitant or inhabitants of the said city, and upon his or their making oath of reasonable cause of suspicion, of the sufficiency of which the said mayor or recorder or aldermen, is and are to be the judge or judges, to issue his or their warrant or warrants, under his or their hand and seal, or hands and seals, for searching for such gun-powder, in the day time, in any building or place whatsoever, within the limits aforesaid, or in any ship or other vessel within forty-eight hours after her arrival in the harbour, or at any time after such ship or other vessel shall and may have hauled along side any wharf, pier or key, within the limits aforesaid, and that upon any such search it shall be lawful for the persons finding any such gun-powder, immediately to seize, and at any time within twelve hours after such seizure to convey the same to one of the magazines aforesaid ; and the same gun-powder being so removed to detain and keep until it shall be determined by the mayor or recorder and any two aldermen of the said city, whether the same is forfeited by virtue of this act ; and the person or persons so detaining the same, shall not be subject or liable to any action or suit for the detention thereof ; *Provided always,* That nothing in this clause of this act contained shall be construed to authorize any person having such warrant to take advantage of the same for serving any civil process of any kind whatsoever ; *Provided also,* That nothing in this act contained shall extend to ships of war, or packets in the service of the United States or any of them, or of any foreign prince or state ; nor to authorize the searching for gun-powder on board of any such ship or vessel while laying in the stream, and upwards of one hundred yards from the wharf or shore.

On suspicion of gun-powder being concealed, how warrant to issue to search for the same.

This act not to extend to ships of war or packets.

V. *And be it further enacted by the authority aforesaid,* That if any gun-powder, exceeding twenty-eight pounds shall be found in the custody of any person, during any fire or alarm of fire in the said city, by any fireman of the said city, it shall be lawful for him to seize the same without warrant from the mayor or recorder or aldermen, and to cause the same to be condemned in manner aforesaid to his own use ; any thing in this act to the contrary notwithstanding.

Gun-powder exceeding 28 pounds found during a fire may be seized

TWELFTH SESSION. CHAP. XIX.

An ACT for the Punishment of disorderly Persons in the City of New-York.

Passed 6th February, 1789.

Disorderly
persons how
punished.

† See vol. 1st,
p. 223.

BE it enacted by the People of the State of New-York, re-
presented in Senate and Assembly, and it is hereby
enacted by the authority of the same, That it shall and may
be lawful for the mayor, recorder and aldermen of the
city of New-York, for the time being, or any two of them,
in all cases where by law they or any of them are autho-
rized to inflict corporal punishment for any crime or mis-
demeanor, except under the act, entitled *An act for ap-
prehending and punishing disorderly persons*,† to substitute
at their discretion, instead of such corporal punishment, a
confinement of the offender in the house of employment
or bridewell belonging to the said city, to be kept at hard
labour therein, or at any work or employment at any other
place within the said city, for any period not exceeding
six months, according to the nature of the offence ; and
also to confine and set to hard labour in manner aforesaid,
and for any time not exceeding six months as aforesaid,
all disorderly persons who have been legally removed
from the said city and shall have unlawfully returned with-
out bringing a certificate from the city or town whereto
they respectively belong, all common street beggars, and
all idle persons not having visible means of livelihood, and
who cannot give a good account of themselves, or find
sufficient sureties for their good behaviour, who now are
or from time to time shall come into or sojourn within
the said city.

FOURTEENTH SESSION. CHAP. XVIII.

An ACT for altering the Wards in the City of New-York.

Passed 28th February, 1791.

Preamble.

WHEREAS some of the wards in the city of New-
York are large and populous, and others are very
small, and the bounds of some of them are difficult if not
impossible to be ascertained, so that alterations therein are
become necessary : Therefore,

City of New-
York divided
into 7 wards.

*Be it enacted by the People of the State of New-York, re-
presented in Senate and Assembly, and it is hereby enacted
by the authority of the same, That from and after the twen-
ty-eighth day of September next, the said city of New-
York shall be, and hereby is divided into seven wards,
in the manner following, that is to say : The first ward
shall begin in the middle of Nassau-street, at the place
where it is intersected by the middle of Little Queen-*

street, and run from the said point of intersection along the middle of Nassau-street to the middle of Wall-street, and then southeast to the middle of Broad-street, and then along the middle of Broad-street to the middle of Dock-street, and then easterly along the middle of Dock-street to a place opposite to the middle of the street leading along the east side of the exchange, and then along the middle of the last mentioned street to the East-river, and then due south to low water mark on Nassau-Island, and then along Nassau-Island shore at low water mark, unto the south side of Red-hook, and then across the North-river so as to include Nutton-Island, Bedlow's island, Bucking-Island and the Oyster islands to low water mark on the west side of Hudson's river, or so far as the bounds of this state extend there, and so up along the west side of Hudson's river at low water mark or along the limits of this state to a place due west from the middle of the west end of Little Queen-street, then due east to the middle of Little Queen-street, and then along the middle of Little Queen-street to the place of beginning ; and shall be called the First Ward.

The Second Ward shall begin at the southeasterly corner of the First Ward and run along the easterly bounds thereof, and so continue along the middle of Nassau-street to the middle of Crown-street, and then along the middle of Crown-street to Maiden-lane, and then along the middle of Maiden-lane to and across Queen-street to the middle of the street on the easterly side of the Fly-market, and then along the middle of the last mentioned street to the East-river, and then continuing the same course across the East-river to low water mark on Nassau-Island, and then along the Nassau-Island shore at low water mark to the place of beginning ; and shall be called the Second Ward.

The Third Ward shall begin at the southeasterly corner of the Second Ward, and run along the easterly bounds thereof to the middle of Nassau-street, and then along the middle of Nassau-street to a place opposite to the middle of George-street, and then along the middle of George-street to the middle of Gold-street, and then along the middle of Gold-street to the middle of Ferry-street, and then along the middle of Ferry-street to and across Queen-street and along the middle of the street on the east side of Peck-slip market, to the East-river, and then continuing the same course across the East-river to low water mark on Nassau-Island, and then along Nassau-Island shore at low water mark to the place of beginning ; and shall be called the Third Ward.

The Fourth Ward shall begin at the northerly corner of the Third Ward and run along the middle of Nassau-street to a place opposite to the middle of Murray-street, and then to and along the middle of Murray-street to Hud-

son's river, and then continuing the same course across Hudson's river to low water mark on the west side thereof, or so far as the bounds of this state extend there, and so down along the west side of Hudson's river at low water mark or along the limits of this state to the bounds of the First Ward, and then easterly along the same to the bounds of the Second Ward, and then northerly along the bounds of the Second and Third Wards to the place of beginning ; and shall be called the Fourth Ward.

The Fifth Ward shall begin at the northerly corner of the Third Ward and run along the bounds of the Fourth Ward and the middle of Chatham-street, to a place opposite to the middle of Catharine-street, and then to and along the middle of Catharine-street to the East-river, and then continuing the same course across the East-river to low water mark on Nassau-Island, and then along Nassau-Island shore at low water mark, to the bounds of the Third Ward, and then northerly along the same to the place of beginning ; and shall be called the Fifth Ward.

The Sixth Ward shall begin at the northwesterly corner of the Fourth Ward, and run along the northerly bounds thereof to the Fifth Ward, and then along the bounds of the Fifth Ward and the middle of the Bowry-lane to a place opposite to the middle of Bayard-street, and then to and along the middle of Bayard-street to the middle of Rynder's street, and then along the middle of Rynder's street to the middle of Hester-street, and then along the middle of Hester-street to the middle of Great George-street, and then along the middle of Great George-street to the middle of the stone arch built across the stream running out of the Fresh Water Pond, and then along the middle of the said stream of water to Hudson's river, and then due west to low water mark on the west side of Hudson's river, or so far as the bounds of this state extend there, and so down along the west side of Hudson's river at low water mark, or along the limits of this state to the place of beginning ; and shall be called the Sixth Ward. And

The Seventh Ward shall include all the residue of the said city ; and shall be called the Seventh Ward.

S I X T E E N T H S E S S I O N . C H A P . X L I I .

An ACT for improving John-Street in the Third Ward of the City of New-York, and for vesting the Right of the People of this State to the Lands left for Streets in the City of New-York, in the Corporation of the said City.

Passed 7th March, 1793.

III. **A**ND be it further enacted, That all the estate right, title, interest, claim and demand whatso-

over of the people of this state, of, in and to all lands at any time heretofore left for streets or highways in the city of New-York, by any person or persons whomsoever, shall be and hereby is vested in the mayor, aldermen and commonalty of the city of New-York and their successors, for the use of streets and highways.

[RESIDUE OF THIS ACT OBSOLETE.]

TWENTIETH SESSION. CHAP. XX.

An ACT concerning the Recovery of Debts and Demands to the Value of Ten Pounds, in the City of New-York.

Passed the 16th of February, 1797.

WHEREAS the appointing assistant justices to hear, try and determine causes in the city and county of New-York, by virtue of the act, entitled *An act for the more speedy recovery of debts to the value of ten pounds*, has not been attended with all the benefits thereby intended, and it is conceived that a better mode may be adopted in the city of New-York, for the recovery of debts and demands not exceeding ten pounds: Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the person administering the government of this state for the time being, by and with the advice and consent of the council of appointment, from time to time to appoint and commission justices of the peace in and for the city of New-York, with power to keep the peace in the said city, and to hear and determine all causes in the city and county of New-York, made cognizable before justices of the peace by the said act, entitled An act for the more speedy recovery of debts to the value of ten pounds; and also to hear and determine all actions and informations upon any statute of this state, and upon any by-law of the said city made or to be made, where the penalty or forfeiture shall not exceed ten pounds, doing therein that which to justice doth or shall appertain; and the persons so appointed and commissioned as aforesaid as justices of the peace in and for the city of New-York, or any two or more of them, shall have power and authority, and are hereby authorized, empowered and required to hold a court for the purposes aforesaid at the city-hall of the city of New-York, and therein to hear and determine all such matters of debt, causes, actions and informations as are made cognizable before them by this act, according to the directions of the said act, entitled An act for the more speedy recovery of debts to the value of ten pounds, and the several other acts amending, explaining or altering the same, and according to the directions hereinafter mentioned;*

Justices of the peace to be appointed.

Their powers and duties.

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and for that purpose two of the said justices for the time being, according to the rotation herein after mentioned, shall from and after the first day of May next, meet, sit and hold the said court, in the city-hall of the city of New-York, every day, except Sundays, and except the first day of January, the fourth day of July, the twenty-fifth day of November, and the twenty-fifth day of December in every year ; and it shall be the duty of the said justices of the peace in and for the city of New-York, to hold the said court according to the following rotation, that is to say ; The first and second persons named in the commission shall attend and hold the said court the first week, and the third and fourth the second week, and so on until all the said justices shall have served one week, if they consist of an even number, or otherwise all but one, and then the persons first and last named in the said commission shall attend and hold the said court the next week, and the second and third persons named therein the week after, and so on in the like rotation thereafter ; *Provided always,* That nothing herein contained shall be construed to exclude or debar any of the said justices although they be not in rotation, from sitting in the said court, but that all and every of them shall and may when and so often as they shall respectively think fit, sit and give judgment therein ; and in case of the death or inability of any of the said justices whose duty it may be to attend the said court according to the said rotation at any time, then and in every such case it shall be the duty of him who is next in rotation to attend the said court in the place of him so deceased or unable to attend ; and if the justices present at any time in the said court shall be equally divided upon any question before them, the senior justice present, that is, he whose name stands first in the commission, shall have the casting vote.

Provido.

Duration of
their office.

II. *And be it further enacted by the authority aforesaid,* That the said justices shall hold their office during the pleasure of the council of appointment ; and that new commissions to the justices of the peace in and for the said city shall be issued at least once in every three years.

To appoint a
clerk and
provide a seal

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said justices of the peace in and for the said city of New-York, for the time being, or the major part of them, by writing under their hands and seals, from time to time as occasion shall require, to appoint a clerk of the said court and from time to time to remove any such clerk and to appoint another in his stead ; and that it shall be lawful for the said justices and they are hereby required to cause a seal to be made for the said court.

Application
for process
how to be

IV. *And be it further enacted by the authority aforesaid,* That all applications for process for the recovery of any

debt or demand by virtue of this act, shall be made to the said court or to the clerk of the same court and not otherwise ; and that all process to be issued out of the said court shall be tested in the name of the justices of the peace in and for the city of New-York, and be signed by the clerk of the said court, with his name, and with the words "*by the court,*" and sealed with the seal of the said court.

made and
how issued.

V. *And be it further enacted by the authority aforesaid,* That the clerk of the said court shall cause to be made and entered or registered in proper books to be kept for that purpose, a docket or register of all summonses, warrants, precepts, executions and process to be issued by the said court, and of the returns to all such summonses, warrants and executions ; and also proper entries of all acts, orders, dismissions, decrees, judgments, adjournments and proceedings of the said court ; and also the substance of the plaintiff's charge or demand, and of the defendant's plea.

Clerk to re-
gister pro-
ceedings of
the court.

VI. *And be it further enacted by the authority aforesaid,* That in all cases when judgment shall be given in the same court against any defendant by default, the plaintiff shall prove his debt or demand in the same manner as if the defendant had denied it by plea.

How plaintiff
to prove his
debt.

VII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for all persons, as well attornies as others, to sue and be sued, implead and be impleaded, in the said court hereby instituted, in any plaint, suit or action cognizable before the said justices, any law, usage or custom to the contrary notwithstanding, saving the privilege of freedom from arrest of such attornies or other person whose duty it shall be to attend on any other court in the said city, during the sessions of such court.

All persons
may sue and
be sued there-
in

VIII. *Provided always, and be it further enacted by the authority aforesaid,* That this act, or any thing herein contained, shall not extend to any debt or demand for any money or thing won at or by means of any horse race, cock match, or any kind of gaming, play or wager, although the same shall not exceed the value of ten pounds.

Money won
at races, &c.
not recover-
able.

IX. *And be it further enacted by the authority aforesaid,* That the justices of the peace in and for the city of New-York, to be appointed and commissioned by virtue of this act, shall jointly and severally have, exercise and enjoy all the powers and privileges of justices of the peace, as to the keeping of the peace in the city and county of New-York, except the right and power of holding courts of sessions of the peace, or sitting as judges in any court of sessions of the peace, to be held in and for the city and county of New-York, by the mayor, recorder and aldermen of the said city, or any three or more of them, of whom the mayor or recorder always to be one ; and each of the said justices shall have the like power to commit offenders

Further pow-
ers of the said
justices.

and to take recognizances for their appearance and for their keeping the peace, and for their good behaviour, and to take recognizances for the appearance of witnesses against offenders, as any other justice of the peace in any other county of this state hath by law ; and all recognizances taken by the said justices of the peace in and for the city of New-York, or any or either of them, for the appearance of any person in any court, shall, together with the examinations and evidence taken before such justice or justices be delivered by him or them to the court in which the person for whose appearance such recognizance is taken, is to appear.

Two justices
necessary to
form a court.

X. *And be it further enacted by the authority aforesaid,* That no judgment shall be given nor any rule or order made in any cause in the said court to be held before the said justices of the peace in and for the city of New-York, nor any conviction had in the same court upon any statute or law, unless two of the same justices at the least shall be present ; and if only one of them shall attend on any court day he shall adjourn the said court to the next court day ; and if on any court day neither of them shall attend, then the clerk of the same court shall adjourn the court to the next court day.

Form of re-
cords of con-
viction.

XI. *And be it further enacted by the authority aforesaid,* That in every record of conviction before the said justices, of any offence against the act, entitled *An act for suppressing immorality*, or the act, entitled *An act to lay a duty of excise on strong liquors, and for the better regulating of inns and taverns,** the names of the justices before whom the conviction shall be had shall be inserted, and instead of the words "*mayor or recorder, or one of the aldermen,*" the words "*justices of the peace,*" shall be inserted ; and instead of the words "*given under my hand and seal,*" the words "*witness the said justices,*" shall be inserted.

XII. *And be it further enacted by the authority aforesaid,* That every summons to be issued out of the said court, in any action of debt or trespass, or trespass on the case, shall be in the form following :

Form of sum-
mons.

" THE PEOPLE of the State of New-York ; To the Constables and Marshals of the City of New-York, and to every of them, Greeting : We command you to summon A B, if he shall be found in the said city, to be and appear before our justices of the peace in and for the city of New-York, at the city-hall of the said city, on the day of next, (or instant) at of the clock in the forenoon, to answer C D, of a plea of debt of (mentioning the sum, and if it be for a penalty for the breach of any law, specifying the offence, as of a plea of debt of ten pounds forfeited by the said A B, by selling by retail one pint of rum without

* These acts were revised and re-enacted at the 24th sess.—See vol. 1st. E.

having such permit as is mentioned in the act, entitled *An act to lay a duty of excise on strong liquors and for the better regulating of inns and taverns, as is said* (or, of a plea of trespass, or, of a plea of trespass on the case) to his damage as is said, and have then there this precept: Witness our justices of the peace in and for the city of New-York, at the city-hall of the said city, the day of in the year of our independence, and in the year of our Lord By the court, Clerk."

And every warrant to bring a defendant to answer, shall be in the following form:

"THE PEOPLE, (as in the case of a summons) We *Form of warrant.* command you to take A B, if he shall be found in the said city, and bring him forthwith before our justices of the peace in and for the city of New-York, at the city-hall of the said city, to answer C D, of a plea (as in the case of a summons.)

And every execution against the goods and chattels of any person for debt, damages or costs, recovered or adjudged in the said court, shall be in the following form:

"THE PEOPLE (as in the case of the summons) We *And execution against the goods and chattels.* command you to cause to be made of the goods and chattels of A B, in the said city, the sum of (if for debt) which C D, lately in our court before our justices of the peace in and for the city of New-York, recovered against him of debt, and also the sum of adjudged by the same court to the said C D, for his damages which he hath sustained, as well by occasion of the detention of that debt as for his costs and charges by him about his suit in that behalf expended. (And if for damages, then) which C D, lately in our court before our justices of the peace in and for the city of New-York, recovered against him for his damages, in a certain action of trespass (or, trespass on the case,) and also the sum of adjudged by the same court to the said C D, for his costs and charges by him about his suit in that behalf expended. (And if for a balance found due to the defendant, then) lately in our court before our justices of the peace in and for the city of New-York, adjudged to C D, as a balance due to him from the said A B, in a certain action lately brought by the said A B, against the said C D, in the same court, and also the sum of adjudged by the same court to the said C D, for his costs and charges by him, about his defence in that behalf expended. (And if for costs only, then) lately in our court before our justices of the peace in and for the city of New-York, adjudged to C D, for his costs and charges sustained by him about his defence in a certain action brought against him in the same court by the said A B, and have you that money before our justices of the peace in and for the city of New-York, at the city-hall of the said city, on the day of next, to render to the said C D, for his debt and damages, (or, for his damages and costs, or, for his bal-

ance and costs, or, for his costs aforesaid) and have you then there this precept. Witness (as in case of a summons.)

And every execution against the body of any person for any debt, damages or costs recovered or adjudged in the said court, shall be in the following form :

Against the
body.

“ THE PEOPLE (as in the case of the summons) *We command you to take A B, if he shall be found in the said city, and bring him forthwith before our justices of the peace in and for the city of New-York, at the city-hall of the said city ; to satisfy C D, of the sum of which he lately in our court before our justices of the peace in and for the city of New-York, recovered against the said A B, of debt, and also of the sum of adjudged by the same court to the said C D, for his damages which he hath sustained, as well by the occasion of the detention of that debt as for his costs and charges by him about his suit in that behalf expended. (And if for damages, then) which he lately in our court before our justices of the peace in and for the city of New-York, recovered against the said A B, for his damages, in a certain action of trespass, (or, trespass on the case ;) and also of the sum of adjudged by the same court to the said C D, for his costs and charges by him about his suit in that behalf expended. (And if for a balance found due to the defendant, then) lately in our court before our justices of the peace in and for the city of New-York, adjudged to him as a balance due to him from the said A B, in a certain action lately brought by the said A B, against the said C D, in the same court, and also the sum of adjudged by the same court to the said C D, for his costs and charges by him about his defence in that behalf expended. (And if for costs only, then) lately in our court before our justices of the peace in and for the city of New-York, adjudged to him for his costs and charges by him about his defence in a certain action brought against him in the same court by the said A B, and have you then there this precept. Witness (as in the case of a summons.)*”

Any person
on execution
alleging he
is not liable
to imprison-
ment, justices
may dis-
charge him.

But if found
not true shall
issue a pre-
cept to im-
prison him.

And every person taken by virtue of such execution shall be brought before the said court ; and if any person so taken and brought before the said court, or brought before the said court by warrant, and a judgment shall thereupon be given against him, shall there alledge that he is not liable to be imprisoned for the cause mentioned in such execution, or on account of such judgment so had, the justices then present shall examine into the truth of the matter, and if they shall find that such person is not liable to be imprisoned for the said cause, they shall cause such person to be discharged from such arrest ; but if they should be of opinion that such person is by law liable to be imprisoned for the said cause, if no such allegation shall be made, and the money mentioned in such execution, or

for which the judgment is given is not there paid, then they shall cause an entry to be made in the minutes of the same court, purporting that such person is committed to the gaol of the city and county of New-York, in execution for the debt, damages and costs, or damages and costs, or costs mentioned in such execution or judgment ; and cause a precept to be issued for conveying the person so committed to the said gaol, which precept shall be delivered to one of the constables or marshals of the said city, who shall thereupon convey the person so committed to the gaol of the city and county of New-York, and there deliver him, together with the same precept to the keeper of the said gaol, who shall there receive and safely keep the person so committed in execution in the said gaol, until he shall be thence delivered by due course of law ; and if any person taken by virtue of such execution or warrant, shall be discharged from such arrest by the said justices as aforesaid, such taking and discharge shall not operate as a release or discharge of the debt or demand for which such person was so taken, nor prevent any execution for the same against the goods and chattels of the person so discharged, nor shall the person who caused such execution or warrant to be issued, or any person who shall execute the same, be liable to any suit or damage on account of such discharge ; and in all cases where part of the debt, damages or costs shall have been paid or levied, and any execution is issued for the residue, such execution shall be only for the sum remaining due, to which shall be added in the execution the words "*being the residue of*" the sum recovered or adjudged, mentioning the amount thereof ; and every precept for conveying any person to the said gaol, who shall be so committed, shall be in the following form :

No such discharge from arrest to release the debt.

Nor shall the person causing such warrant be liable to a suit.

" THE PEOPLE of the state of New-York, to the constables and marshals of the city of New-York and to the keeper of the gaol of the city and county of New-York, and to each and every of them, greeting : We command you the said constables and marshals to convey *A B*, to the said gaol, and there deliver him to the keeper thereof ; and we command you the said keeper there to receive the said *A B*, into your custody, and to keep him safely in the said gaol in execution at the suit of *C D*, for debt and damages and costs, [or, for debt and costs, or, for costs, (*as the case may be*)] until he shall be delivered by due course of law. Witness (*as in case of a summons.*)

Form of commitment in execution.

And in all actions of debt, the interest due to the plaintiff, if any, shall be added to the costs of the suit, but the debt, damages and interest, if any allowed, and costs, shall be separately specified in the indorsement on the execution ; and all process for summoning jurors to appear in the said court, shall be in the following form :

Interest to be added to the costs of suit.

Form of jury
process.

"THE PEOPLE of the state of New-York, to the constables and marshals of the city of New-York, and to every of them, greeting : We command you to summon twelve good and lawful men of the city of New-York, who are in no wise of kin to *C D*, the plaintiff, nor *A B*, defendant, nor interested in the controversy between them, to be and appear in our court, before our justices of the peace in and for the city of New-York, at the city-hall of the same city, on the day of next (or, instant) at of the clock in the noon, to make a jury to try a certain action depending in our same court between the said parties ; and have you then there the names of that jury and this precept" (as in the case of a summons.)

Only one jury
to be summoned
in one day.

Qualifications
of jurors.

XIII. *And be it further enacted by the authority aforesaid,* That no more than one jury shall be summoned to attend the same court on any one day, and if there shall be more than one cause to be tried in the same court on that day, the same jurors shall be returned in each cause ; and every person qualified to serve as a juror upon trials in the mayor's court of the city of New-York, shall be considered as duly qualified to serve as a juror upon trials in the said court before the said justices.

Constables
may execute
process in any
part of the
city.

XIV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any constable or marshal of the said city of New-York, to execute the process to be issued by the said justices, in any part of the said city ; and any such constable may execute such process as well in any other ward of the said city, as in the ward where he is chosen constable.

No execution
to issue against
the body ex-
cept in cer-
tain cases.

XV. *And be it further enacted by the authority aforesaid,* That no execution shall be issued against the body of any person upon any judgment to be obtained by virtue of this act, until an execution shall have been issued against the goods and chattels of such person, and duly returned, except in cases where a defendant shall be brought before the said court by warrant, and shall not give security, and a judgment shall thereupon be given against such defendant ; and the whole amount of the money to be levied or paid upon any execution to be issued by virtue of this act, shall be mentioned therein, including the costs for executing the same, with the other costs of the suit ; and the clerk of the said court shall indorse upon every such execution, whether against the goods and chattels or the body of any person, the amount of the debt, damages and costs to be levied or paid thereon, and sign his name to the same indorsement ; and no greater sum shall be levied or taken in any case or by virtue of such execution.

Clerk to in-
dorse on the
execution the
amount of the
debt.

Fees allowed
to the justices.

XVI. *And be it further enacted by the authority aforesaid,* That the following and no greater or other fees shall be

allowed, taxed or taken in any actions or proceedings, by virtue of this act, that is to say :

Fees to the said Justices, to be divided among them in manner herein after mentioned.

For every summons or warrant, twelve cents.

For taking security of a defendant, twelve cents.

For every venire to summon a jury, twenty cents.

For a subpoena for each witness, six cents.

For administering an oath in court, six cents.

For swearing a jury, twenty cents.

For every judgment or conviction, twelve cents.

For every commitment, twelve cents.

For every execution, twenty cents.

For taking the acknowledgment of satisfaction of a judgment, six cents.

And the clerk of the said court shall receive the said fees and account to the said justices for the same, at least once in every month, and oftener if required by the said justices or a majority of them, and shall divide and pay the amount thereof to and among such of the said justices as shall have attended the said court during the time in which the said fees shall have been received, in proportion to the days each of them shall have attended the said court respectively during that period.

To be received and accounted for by the clerk.

Fees to be taken by the Clerk of the said Court, to his own use,

For entering every action, six cents.

Clerk's fees.

For entering the return of every summons, warrant, or execution, six cents.

For entering the substance of the plaintiff's charge or demand, upon the return of the process against the defendant when served, twelve cents.

For entering the substance of the defendant's plea, twelve cents ; and if such charge, demand or plea is exhibited in writing, the same shall be filed in the office of the said clerk.

For entering the commitment of any person, six cents.

For entering every judgment, ten cents.

For entering acknowledgment of satisfaction of a judgment, six cents.

For copies of proceedings in the said court, when required, for every seventy-two words, ten cents.

For every search, six cents.

Fees to the Constables and Marshals.

For serving every summons, twelve cents.

For serving every warrant, twenty-five cents.

Constable's and marshal's fees.

For taking a defendant into custody on a mittimus or commitment, twelve cents.

For conveying a person to gaol, twelve cents.

For summoning a jury, forty cents.

For serving an execution for two and an half dollars, or

under, twenty-five cents ; and at the rate of twelve cents for every two and an half dollars more.

For travelling, if the person arrested is taken above one mile from the city-hall, for every mile going only, ten cents.

Fees to Jurors.

Juror's fees. For every cause tried, each twelve cents.

Fees to Witnesses and Charges for summoning them.

Witness's fees.

Each witness attending and sworn, twelve cents.

Serving a *subpoena* on each witness, twelve cents.

Justices allowed 3 dollars per day.

XVII. *And be it further enacted by the authority aforesaid,* That besides the fees herein before allowed to the said justices, each of them shall be allowed and paid the further sum of three dollars for every day they respectively sit and hold the said court, according to the rotation aforesaid, to be paid quarter yearly, by order of the mayor, aldermen and commonalty of the city of New-York, in common council convened, out of the money to arise from the excise on strong liquors, and the licences to be granted to retailers thereof in the said city ; but none of the said justices shall be paid or allowed any thing, except their proportion of the said fees, for any time they may sit in or hold the said court, when not in the said rotation.

Register of court legal evidence.

XVIII. *And be it further enacted by the authority aforesaid,* That the registers and books of entry for the said court hereby instituted, or copies thereof proved, shall be deemed legal evidence of the acts and proceedings of the said court.

Mayor, recorder and aldermen to hold the courts of sessions.

XIX. *And be it further enacted by the authority aforesaid,* That the mayor, recorder and aldermen of the city of New-York, for the time being, or any three or more of them, of whom the mayor or recorder to be one, shall hold the courts of sessions of the peace in and for the city and county of New-York ; and each of them, the said mayor, recorder and aldermen shall hereafter have the power of justices of the peace in and for the city and county of New-York, as fully and in the same manner as if this act had not been made.

XXI. *And be it further enacted by the authority aforesaid,* That this act shall be adjudged, deemed and taken to be a public act.

[TWENTIETH SECTION OBSOLETE.]

TWENTY-SECOND SESSION. CHAP. XLI.

An ACT to regulate the passing of Carriages, Waggon, Carts and Sleighs by each other in the City of New-York.

Passed 23d March, 1799.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That in all cases

Arrangement for the passing of car.

My book + rule

of persons meeting each other in any street in the city of New-York in carriages, waggons, carts or sleighs, each person so meeting shall go to that side of the street on his left, so as to enable the carriages, waggons, carts or sleighs so meeting to pass each other, under the penalty of five dollars for every offence, to be recovered by an action of debt, with costs of suit, in any court having cognizance thereof, by any person suing for the same.

riages, &c. in the city of New-York.

Under a penalty.

II. *And be it further enacted,* That the proprietor of the carriage, waggon, cart or sleigh, neglecting or refusing to turn to the left as above directed, shall be considered, if present at the time of such meeting, as the person committing the said offence, and if absent, then the driver thereof shall be so considered.

Proprietors of carriages neglecting to comply, how far considered as offenders.

TWENTY-THIRD SESSION. CHAP. XXXVI.

An ACT concerning certain Debts and Demands in the City of New-York, and to amend an Act entitled, An act concerning the Recovery of Debts and Demands to the Value of Ten Pounds in the City of New-York.

Passed 21st March, 1800. *March 1804*

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the court constituted in the city of New-York, under and by virtue of the act of the legislature of this state, entitled *An act concerning the recovery of debts and demands to the value of ten pounds in the city of New-York*, passed the sixteenth day of February, A. D. one thousand seven hundred and ninety-seven, shall have cognizance of, and power to hear and determine all actions to be brought by seamen or mariners against the owner or owners, master or commander of any ship or vessel in the merchant service, for wages or compensation for services on board any such ship or vessel during any voyage performed, or in part performed by such ship or vessel while such person was on board such ship or vessel in the capacity of seaman or mariner, notwithstanding such wages or compensation shall exceed twenty-five dollars; and the said court shall also have cognizance of and power to hear and determine all actions to be brought by any owner or owners, master or commander of any ship or vessel in the merchant service, against any seaman or mariner, for or by reason of the non-performance of any contract made by such seaman or mariner with such owner or owners, master or commander of any such ship or vessel, for services to be performed by him as a seaman or mariner on board such ship or vessel, for any voyage performed wholly or in part, or intended to be performed, notwithstanding the damages sustained or sum of money demanded, by reason of the non-performance of such contract, shall exceed twenty-five dollars.

Repealed 24 March 1804
The court is determining actions brought by or against seamen and owners or masters of vessels.

Proviso.

II. *Provided always, and be it further enacted,* That nothing herein contained shall be construed to give the said court power to proceed in any of the matters aforesaid as a court of admiralty or maritime jurisdiction.

To determine actions of assault and battery on the high seas or in foreign ports.

III. *And be it further enacted,* That the said court shall also have cognizance of and power to hear and determine all actions of assault and battery and false imprisonment, or any or either of them, committed or inflicted by any master or commander of any ship or vessel in the merchant service, upon any officer, seaman or mariner, or other person on board of or belonging to such ship or vessel, upon the high seas, or in any foreign port or place where such ship or vessel may then be, of which the ordinary courts of common law of this state now have cognizance, and of all actions of assault and battery and false imprisonment, or any or either of them committed or inflicted by any officer of any ship or vessel in the merchant service upon any seaman or mariner, or other person on board of or belonging to such ship or vessel, or by any seaman or mariner or other person on board of or belonging to such ship or vessel upon the master, commander or other officer thereof, or by one seaman or mariner or other person on board of, or belonging to such ship or vessel upon another seaman or mariner, or other person on board of or belonging to such ship or vessel upon the high seas, or in any foreign port or place where such ship or vessel may then be, of which the ordinary courts of common law of this state now have cognizance, notwithstanding the damages sustained or claimed by reason thereof shall exceed twenty-five dollars.

The parties how entitled to trial by jury.

Number of jurors and how summoned.

IV. *And be it further enacted,* That in every action prosecuted in the said court, under and by virtue of this act, the parties shall be entitled to a trial by jury in the same manner and under the like regulations as is by the said herein before recited act directed, with this difference only, that if the sum or damages demanded or claimed shall exceed twenty-five dollars, it shall be in the election of either party to have it tried by a jury of twelve men, and for that purpose the officer shall by virtue of the process summon twenty men to serve as jurors, and that the officer may be apprized when he shall summon twenty jurors as aforesaid, there shall be an indorsement on the process specifying that the damages claimed exceed twenty-five dollars.

Clerk to vary the form of the process as the case may require.

V. *And be it further enacted,* That the clerk of the said court shall have power, and he is hereby directed, with the approbation and under the direction of the said court, so far as the provisions in this act may make it necessary, to vary the form of the process to be issued from the said court, so as to make them specify with legal accuracy the nature of the action, and the amount of damages claimed or recovered, as the case may require.

VI. *And be it further enacted*, That if any person or persons shall prosecute any action in the supreme court of this state, or in the mayor's court of the city of New-York, and it shall appear to the court wherein such action shall be prosecuted, at the trial thereof, that the same is within the provisions of this act, the plaintiff or plaintiffs shall not be entitled to recover costs, but shall pay costs of suit to the defendant or defendants in such case to be taxed, unless such plaintiff or plaintiffs shall recover at least one hundred dollars, exclusive of costs.

Persons prosecuting under this act and in the mayor's court to pay costs.

Except as herein mentioned.

VII. *And be it further enacted*, That it shall and may be lawful when any defendant is taken on any warrant issued out of the said court, and the justices of the said court shall not be then sitting, for the constable or marshal or other officer having such warrant to bring the defendant before the clerk of the said court, who shall thereupon take sufficient security for the appearance of such defendant at the next court day, and in case such defendant shall refuse to give security for his or her appearance at the then next court day to the satisfaction of the said clerk, that then it shall and may be lawful for the constable or marshal having such warrant thereupon to take such defendant to the gaol in the city and county of New-York, and there to deliver him or her to the custody of the keeper of such gaol, who is hereby required to receive such defendant and to keep him or her in safe custody in the said gaol until the next court day, when the constable or marshal having such warrant shall bring such defendant before the said court, and the keeper of the said gaol shall be entitled to receive of the said defendant so committed to his custody twenty-five cents and no more ; *Provided*, That the said keeper shall not keep such defendant in his custody upon such warrant for a longer time than forty-eight hours, and if the constable or marshal having such warrant, or some other constable or marshal who may be directed by the said court in writing, shall neglect to receive such defendant from the said keeper of the said gaol within forty-eight hours, so as to bring him before the said court, that then the said keeper may discharge such defendant from his custody.

Process when the court is not in session, &c.

Gaoler's fees.

Proviso.

VIII. *And be it further enacted*, That it shall and may be lawful in any suit for any one of the justices of the said court, without the presence of another of the said justices, to receive the confession of the defendant or defendants of the action of the plaintiff, and of the debt and damages or sum of money due to the plaintiff, and to give judgment for the amount of the debt and damages or sum of money so confessed, and grant execution therefor in like manner as if any two of them were present.

One of the justices of said court authorized to receive defendant's confession, &c. in any action.

IX. *And be it further enacted*, That it shall and may be lawful for the justices of the said court, or a major part of

Justices may adjourn the

session of the court from the city hall to some other part of the city in certain cases.

In case of such adjournment process how to be returnable, &c.

Justices empowered to take affidavits to be read in the supreme court.

Further allowance to the said justices.

them, in case of any public calamity or imminent danger thereof, to adjourn the session of the said court from the city hall of the said city to some other fit and convenient place within the city and county of New-York, and there to hold the said court during such time as to the said justices or a major part of them may appear necessary, and that all processes of the said court, in case of such adjournment, shall and may be made returnable, and all persons shall be bound to appear at such place appointed by the said justices, or a major part of them, in like manner as if the said court were held at the city hall of the said city.

X. *And be it further enacted*, That each of the said justices of the said court shall have power to take affidavits and depositions, to be read and used in the supreme court of judicature of this state, according to the rules and practice of the said court, which shall have the same force and effect as if taken before any judge of the said court, or any commissioner empowered by law to take such affidavit, and shall be entitled to such fees therefor as are allowed by law for such services.

XI. *And be it further enacted*, That in addition to the fees allowed to the justices of the said court by the said before recited act, the following fees shall be allowed to the said justices, That is to say :

For every summons or warrant, twelve cents.

For administering an oath in court, six cents.

For entering every adjournment in a cause at the request of the plaintiff or defendant, twelve cents.

XII. *And be it further enacted*, That this act shall be adjudged, deemed and taken to be a public act.

TWENTY-FOURTH SESSION. CHAP. LXXX.

+ *An ACT for the more effectual Prevention of Fires, and to regulate Buildings in the City of New-York.*

Passed 27th March, 1801.

Buildings within certain limits in N. York to be of brick or stone and covered with tile or slate.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That all dwelling houses, store-houses and other buildings, which from and after the passing of this act shall be built or erected within the city of New-York, that is to say, within that part of the said city to the northward of the point of the battery and included between the said point of the battery and a line beginning upon the East-river in a direct line from the corner of Montgomery and Cherry-streets, thence down Cherry-street to Pearl-street, thence down Pearl-street to Beekman-street, thence through Beekman-street to Chatham-row, thence down Chatham-row and

*Repealed
by 135
See 8*

across Broadway to Partition-street, thence through Partition-street across Greenwich and Washington-streets to Hudson's river, including also the lots of ground on the northwardly and eastwardly sides of the said streets through which the above mentioned line runs, shall be made and constructed of stone or brick, with party or fire walls rising at least six inches above the roof, and shall be covered, except the flat roof thereof, with tile or slate, or other safe materials against fire, and not with boards or shingles; *Provided*, Such flat do not exceed two fifth parts of such roof, and that there be erected around the same flat a substantial balcony or balustrade.

Provido as to flat roofs.

II. *And be it further enacted*, That if any dwelling house, store-house or other building whatsoever shall be erected or roofed contrary to this act, the proprietor or proprietors thereof shall for every such offence forfeit and pay the sum of five hundred dollars; and the workmen who shall build or roof such dwelling house, store-house or other building contrary to this act,* whether he be the proprietor or not, shall for every such offence forfeit and pay the sum of two hundred and fifty dollars, to be recovered with costs of suit in any court of record within this state, by the treasurer or chamberlain of the said city for the use of the poor thereof, and when recovered shall be appropriated by the common council of the said city in the same manner as the monies raised by tax for the maintenance of the poor of the said city are by law directed to be applied; and no such action or suit shall be abated or discontinued by the death, resignation, removal from office or other change of such treasurer or chamberlain, but shall and may be continued and prosecuted to effect by his successor in office.

Penalties for building contrary to this act.

How recovered & applied.

III. *And be it further enacted*, That all dwelling houses, store-houses and other buildings whatsoever, which after the passing of this act shall be built or erected within the said city eastwardly and northwardly of the line herein before described, and to the south and west of a line beginning at the outlet of the meadow of Anthony Lispenard into Hudson's river, and thence running to and along the north side of the dwelling house late of Nicholas Bayard, esquire, deceased, thence to and along the north side of the dwelling house of John R. Livingston, and thence to and along the north side of the dwelling house of Abraham Cannon to the East-river, and which from the surface or level of the street or ground to which such building shall adjoin, either in the front or in the rear to the foot of the rafter shall be more than twenty-five feet, shall be made and constructed of stone or brick with party or fire walls, rising at least six inches above the roof, and shall be covered, except the flat roof thereof, with tile, or slate or

Buildings within certain other limits in New York, to be built and covered with like materials.

* See the note to the next page.

Proviso as to
flat roofs.

other safe materials against fire, and not with boards or shingles; *Provided*, Such flat do not exceed two equal fifth parts of the space of such roof, and that there be erected around the same a substantial balcony or balustrade.

Penalties for
building con-
trary hereto.

De

How recover-
ed & applied.

IV. *And be it further enacted*, That if any dwelling house, store-house or other building whatsoever shall be erected or roofed contrary to this act,† the proprietor or proprietors thereof shall for every such offence forfeit and pay the sum of four hundred dollars, and the workmen who shall build or roof such dwelling house, store-house or other building contrary to this act, whether he be the proprietor or not, shall for every such offence forfeit and pay the sum of two hundred dollars, to be recovered with costs of suit in any court of record within this state, by the treasurer or chamberlain of the said city for the use of the poor thereof, and when recovered shall be appropriated by the common council of the said city in manner aforesaid; and no such action or suit shall be abated or discontinued by the death, resignation, removal from office or other change of such treasurer or chamberlain, but shall and may be continued and prosecuted to effect by his successor in office; and the more effectually to prevent the erection of any such dwelling house, store-house or other building within the said city contrary to this act;

Buildings con-
trary to this
act declared
nuisances.

De

Courts in
New-York to
charge grand
juries to pre-
sent offences
against this
act;

V. *Be it further enacted*, That every such dwelling house, store-house or other building, which after the passing of this act shall be erected or roofed within the said city contrary to this act, shall be deemed a common and public nuisance, and the justices of the supreme court, and the justices of the courts of oyer and terminer or gaol delivery and the justices of the courts of general sessions of the peace, shall within the said city have cognizance of such offences, and are hereby enjoined and required in all and every of the charges hereafter to be made or given by them to the grand juries in their respective courts, strictly to charge such grand jurors diligently to inquire of, and to present all offences against this act; and the court to which an indictment or presentment shall be preferred for such offence, shall be and hereby is empowered and enjoined to prosecute such indictment, or cause the same to be prosecuted in the usual manner of prosecution; and upon conviction to adjudge such fines and penalties as they in their discretion shall think fit and proper; and also in their discretion to cause such nuisance to be abated and removed.

And to im-
pose fines and
cause such
nuisances to
be abated.

Buildings al-
ready erected

VI. *And be it further enacted*, That if any dwelling house, store-house or other building already erected and

† The penalties mentioned in this section were intended to apply to offences against the third section only, and the penalties mentioned in the second section to offences against the first — Two distinct acts were reported on these subjects by the revisors which were incorporated into one by the legislature, from which circumstance the incongruity which appears has arisen. E.

now covered with boards or shingles within the said city, southward and westward of the line last mentioned, shall at any time hereafter require to be new roofed, it shall and may be lawful for the proprietor or proprietors thereof, to roof the same with boards or shingles, or in such other manner as was customary before the passing of this act, any thing herein before contained to the contrary notwithstanding.

may be new roofed with like materials as before.

VII. *And be it further enacted*, That all roofs, steeples, cupolas and spires of churches, and other public buildings, may be covered with boards and shingles; and all privies not exceeding ten feet square and fifteen feet in height, and all fire engine houses of the corporation, and all lime houses which shall be erected by the express permission of the corporation, may be built of wood and boards, or brick and stone, and covered with boards or shingles, any thing in this act to the contrary notwithstanding.

Roofs and steeples of churches, and certain other buildings, may be built and covered with materials of wood.

VIII. *And be it further enacted*, That from and after the passing of this act, no greater quantity of sulphur than ten hundred weight, and no greater quantity of hemp or flax than twenty hundred weight, shall be put, stored or kept in any one place in the city of New-York to the southward of the Fresh water in the sixth ward, nor to the southward of Rutgers' slip in the seventh ward, other than in such proper place or places as shall be appointed and approved of by the mayor, aldermen and commonalty of the said city in common council convened, under the penalty of twenty-five dollars for every offence or refusal to remove the same, to be recovered with costs of suit in any court of record within this state, by the treasurer or chamberlain of the said city, to be applied as the other penalties of this act are directed to be applied.

Storing of sulphur, hemp and flax regulated.

Penalty for offending therein.

IX. *And be it further enacted*, That the act entitled *An act for the more effectual prevention of fires, and to regulate buildings in the city of New-York, and to repeal and explain certain acts therein mentioned*, passed the 8th of April, 1796, and the amendment thereto passed the 3d April, 1797, and the acts therein mentioned, and thereby repealed, shall except as to the double taxes thereby imposed and already incurred, and except as to suits now depending, be and hereby are repealed.

Certain acts repealed.

X. *And be it further enacted*, That no pitch, tar, turpentine, rosin, spirits of turpentine, linseed oil, or shingles, shall be put in any place in the city of New-York to the southward of the Fresh water, other than in such places as shall be appointed and approved of by the mayor, aldermen and commonalty of the said city, under the penalty of twenty-five dollars for every offence or refusal to remove the same, to be sued for and recovered with costs before any court having cognizance of debts to that amount, by any person who will sue for the same, and when recovered to be paid to the chamberlain of the said city for

The keeping of pitch, tar and certain other articles regulated.

Penalty for offending therein how sued for & applied.

Proviso as to
ship chandlers

the use of the poor thereof; *Provided however*, That it shall be lawful for any of the ship chandlers in the said city to keep in any inclosure within the limits aforesaid a quantity of pitch, tar, rosin or turpentine, not exceeding in the whole twenty barrels at any one time.

Penalty for
firing guns,
rockets, &c.
in certain
parts of New-
York.

How sued for
and applied.

Masters an-
swerable for
the offences
of their slaves.

Firemen ap-
pointed by
the common
council.

Their duties.

Exempted
from certain
public duties.

Their names
to be regis-
tered with the
clerk.

Removable
by the com-
mon council.

Common
council to pre-
scribe rules
for the fire-
men,

XI. *And be it further enacted*, That if any person shall fire or discharge any gun, pistol, rocket, cracker, squib, or other firework, in any street, lane or alley, garden or other inclosure, or from any house, or in any other place where persons frequently walk to the southward of the Fresh water, every such person, for every such offence shall forfeit and pay two dollars and fifty cents, to be sued for, recovered and applied as aforesaid; and in case any such offender be a slave, the owner or possessor of such slave shall be answerable in the same manner as if the act had been done by such owner or possessor.

XII. *And be it further enacted*, That it shall be lawful for the mayor, aldermen and commonalty of the said city in common council convened, and they are hereby required, from time to time, as often as it shall be necessary, to appoint a sufficient number of strong, able, discreet, honest and sober men, willing to accept such appointment, being freeholders or freemen of the said city, to have the care, management, working and using the fire engines, and the other tools and instruments now provided or hereafter to be provided for extinguishing of fires within the said city; which persons so to be appointed shall be called the firemen of the city of New-York, and who with the engineers of the same city, are hereby required to be ready at all times, as well by night as by day, to manage, work and use the same fire engines and other the tools and implements aforesaid.

XIII. *And be it further enacted*, That the persons so to be appointed firemen, and every of them, during their continuance in that office, and no longer, shall be exempted from serving in the office of constable, and from being impannelled or returned upon any juries or inquests, and of and from militia duty within the said city, except in cases of invasion or other imminent danger; and the names of all firemen to be appointed by virtue of this act shall be registered with the clerk of the peace of the said city, and his certificate shall be sufficient evidence in all courts and cases of such exemption; *And further*, That it shall be lawful for the mayor, aldermen and commonalty of the said city in common council convened, to remove all or any of the firemen now appointed or to be appointed by virtue of this act, when and as often as they shall think fit, and to appoint others in their stead.

XIV. *And be it further enacted*, That it shall be lawful for the mayor, aldermen and commonalty of the said city in common council convened, to make and ordain such rules and regulations in respect of the government and duty of

the persons by them appointed firemen, in the working, managing and frequent exercising, trying and using of the same fire engines, tools and other instruments, and to impose and establish such reasonable fines, penalties and forfeitures upon them, or any of them, for default or neglect of the duties and services thereby to be required from them, as they shall from time to time think proper.

And impose
fines.

XV. *And be it further enacted*, That upon the breaking out of any fire within the said city the sheriff, deputy sheriffs, constables and marshals, upon notice thereof, shall immediately repair to the place where such fire shall happen with their rods, staves, and other badges of authority, and be aiding and assisting as well in the extinguishing of the said fires and causing the persons attending the same to work, as in preventing any goods or household furniture from being stolen at such fires, and shall seize all persons whom they find stealing or pilfering, and the officers aforesaid shall also give their utmost assistance to the inhabitants in removing and securing their said goods and furniture, and in the execution of the duties required from them by this act, shall be obedient to the orders of the mayor, recorder and aldermen of the said city, or such of them as shall be present at such fires.

Duty of sheriff,
constables
and marshals
in case of fire.

XVI. *And be it further enacted*, That it shall be lawful for the mayor, aldermen and commonalty of the said city in common council convened, by ordinances by them for that purpose to be made, to direct the inhabitants or owners of houses and other buildings in the said city, to furnish themselves with such and so many fire buckets, to be ready in their respective houses and other buildings for the purpose of extinguishing fires which may happen in the said city; and to impose and establish such reasonable fines, penalties and forfeitures for every neglect, default or disobedience thereof as they shall think proper.

Common
council to or-
der the inhab-
itants to pro-
vide fire
buckets.

And to im-
pose fines for
disobedience.

XVII. *And be it further enacted*, That in case any person shall lose any bucket at any fire which may happen in the said city, and shall within sixty days thereafter make proof thereof before the mayor, recorder or one of the aldermen of the said city of the value of such bucket, and that the same was actually lost or destroyed in that service, in such case the mayor, aldermen and commonalty of the said city in common council convened, shall by warrant under the hand of the mayor or recorder, presiding at such common council, directed to the chamberlain of the said city, order the value of such bucket to be paid to such person so making proof of the loss thereof out of any monies remaining in his hands for the contingent expenses arising in the said city; and if any person shall at any time thereafter be convicted of having taken a false oath touching the premises, such person shall incur the penalties of wilful and corrupt perjury.

Loss of fire
buckets when
& how borne
by the cor-
poration.

Penalties on
false swear-
ing in respect
to the same.

Lost buckets
to whom to
belong on be-
ing found.

XVIII. *And be it further enacted*, That if any such bucket so proved to be lost shall afterwards be found, the property thereof shall thenceforward be in the mayor, aldermen and commonalty of the city of New-York, unless the owner thereof will take back the same and return the money allowed and paid for the loss thereof.

CHAP. LXXXI.

An ACT more effectually to discover and apprehend Offenders in the City of New-York.

Passed 27th March, 1801.

Police office
in New-York
established.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That for the more effectually discovering and apprehending offenders in the city of New-York, an office shall continue in the said city to be denominated the police office in the city of New-York, and to be kept at such place as the mayor, aldermen and commonalty of the said city shall from time to time provide and assign.

Chancellor,
judges of the
supreme
court, and ci-
ty magis-
trates may
act therein.

II. *And be it further enacted*, That it shall be lawful for the chancellor, every of the judges of the supreme court, the mayor, recorder and every of the aldermen of the said city, whenever they shall severally deem the occasion to require it, to be in the said office, and then and there to do every act which they shall deem requisite to be done by them as conservators of the peace.

Two special
justices to be
appointed to
keep the
peace in New-
York.

III. *And be it further enacted*, That two justices shall be appointed as often as it shall be deemed necessary, each of whom shall be denominated in the commission to him a special justice for preserving the peace in the city of New-York, and shall within the said city execute the like authorities which are by law vested in justices as conservators of the peace; and there shall also, as often as it shall be deemed necessary, be a clerk appointed to be denominated in the commission to him the clerk of the police office in the city of New-York; and one of the said special justices at least and the said clerk shall daily, and throughout the day, Sundays and convenient intervals for refreshment excepted, attend in the said police office for the execution of their respective trusts; *Provided however*, That the persons now holding the said offices of special justice and clerk as aforesaid, shall continue to hold the same until others shall be appointed and commissioned in their stead.

Clerk of the
police office.

One special
justice and
the clerk dai-
ly to attend
the said office

Proviso.

Recognizances,
examinations
and dep-
ositions to be
lodged in the
police office.

IV. *And be it further enacted*, That all recognizances from parties to appear and answer or from witnesses to appear and testify, and all examinations of parties charged with offences, and depositions of witnesses respecting offences, taken elsewhere in the said city than in the said

police office, shall forthwith be lodged in the said police office by the chancellor, judge, mayor, recorder, special justice or other magistrate taking the same ; and every recognizance for the appearance of parties or of witnesses at any court to be held in the said city, and every examination or deposition respecting offences charged to have been committed in the said city, taken in any other county, shall be transmitted by the magistrate taking the same to the clerk, to be lodged in the said police office ; and as often as any recognizance for the appearance of parties or witnesses at any court to be held in any other county, or any examination or deposition respecting offences charged to have been committed in any other county, shall have been taken or lodged in the said police office, the clerk shall transmit the same to the clerks of the respective counties ; that at every term of the supreme court, and at every sessions of oyer and terminer and gaol delivery and of the peace, to be held in the said city, the clerk of the said police office shall deliver into court all recognizances which shall then be in the said police office for the appearance of persons at the said courts respectively, together with all examinations and depositions which shall then be in the said police office respecting offences charged to have been committed in the said city ; that it shall among other things be required of the said clerk to reduce to writing all examinations and depositions, and to make out in due form all recognizances and all warrants and other precepts, which shall be made, taken or issued before or by any magistrate in the said police office, and generally to do and perform all such services and business in the said police office as shall be to be done and performed in writing ; and to do and perform every such other reasonable service and business relating to his trust as shall be required of him by the magistrates or magistrate who at the time shall be and attend in the said police office, and to have the charge and custody of all recognizances, examinations and depositions which shall have been taken or lodged in the said police office, until the same shall be delivered into the respective courts, or transmitted to the respective counties as the case shall be, and of all other papers in the said police office.

Recognizances to appear in courts in other counties to be transmitted by the clerk of such court.

And recognizances to appear at any court in N. York to be transmitted with the examinations to such court.

Duties of the clerk.

V. *And be it further enacted,* That if any recognizance shall be taken before any court within the said city for good behaviour or keeping the peace, a certified copy of the record thereof taken from the minutes forthwith shall be lodged by the clerk of the court in the said police office ; and all recognizances from persons obtaining licences or permits to retail strong or spiritous liquors within the said city, in future shall be lodged in the said police office ; and it shall be the duty of the said special justices at all times to be vigilantly observant of the demeanor of

Certified copies of recognizances to keep the peace, or given on licence to retail liquors, to be lodged in the said office.

Special justices when to cause such recognizance to be estreated.

And to send a minute of facts.

Salary of the several justices.

And fees.

Salary of clerk.

How defrayed

Justices to examine persons detained by the night watch,

And to discharge night-watches.

Special justices to have certain powers of aldermen.

the several persons bound by any such recognizance in respect to the matters for which they shall be so respectively bound; and if at any time there shall appear to either of the said special justices probable cause for supposing any such recognizance to have become forfeited, the clerk of the said police office shall thereupon estreat such recognizance into the court of exchequer, with a memorandum of the facts from which such cause shall have arisen, and of the names, occupations and places of abode of the witnesses to prove such facts.

VI. *And be it further enacted,* That there shall be allowed to each of such special justices a salary at the rate of seven hundred and fifty dollars per annum, together with such fees as are by law allowed to justices of the peace; and to the said clerk of the said police office a salary at the rate of seven hundred and fifty dollars per annum; but this provision shall not be deemed to prohibit the mayor, aldermen and commonalty of the said city in common council convened, from making such further and additional allowance to the said special justices and clerk, and to provide for the further expenses of the said police office as they shall judge necessary and proper; and the whole of the said expenses comprehending the said salaries shall be deemed a part of, and shall be defrayed as the other contingent charges of the said city and county.

VII. *And be it further enacted,* That it shall be the duty of the said justices or one of them, to examine all persons apprehended and detained in custody by the night watches of the said city, and to make such order thereon as the circumstances of each case and justice shall require, and likewise to superintend and direct the discharge of the said watch every morning upon the conclusion of the service of the night.

VIII. *And be it further enacted,* That the said special justices and each of them, shall by virtue of their said office have and exercise the like powers as may be lawfully exercised out of the sessions by the aldermen of the said city, in relation to all cases of bastardy, and to all cases respecting apprentices, servants, and vagrants or vagabonds arising within the said city, and shall also have power to take recognizances of special bail, and to administer oaths in causes depending in the court of common pleas called the mayor's court of the said city, and to take affidavits to be read in the same court, and shall be entitled thereupon to the like fees as the said aldermen respectively would be entitled to receive.

See 4 section of an act concerning the Mayor, Court & Court of General Sessions of the Peace of the City of New York Vol 4, 330

C H A P. XCV.

An ACT relative to Wharves in the City of New-York.

Passed 31st March, 1801.

I. **B**E it enacted by the People of the State of New-York, *represented in Senate and Assembly,* That it shall be lawful for the owners of wharves in the city of New-York, to ask and receive to their own use, the following rates of wharfage for all ships and vessels using their wharves respectively, that is to say : For every vessel under the burthen of fifty tons at the rate of fifty cents per day ; for every ship or other vessel of the burthen of fifty tons and under the burthen of one hundred tons at the rate of sixty-two and an half cents per day ; for every ship or other vessel of the burthen of one hundred tons and under the burthen of one hundred and fifty tons at the rate of seventy-five cents per day ; for every ship or other vessel of the burthen of one hundred and fifty tons and under the burthen of two hundred tons at the rate of eighty-seven and an half cents per day ; for every ship or other vessel of the burthen of two hundred tons and under the burthen of two hundred and fifty tons at the rate of one hundred cents per day ; for every ship or other vessel of the burthen of two hundred and fifty tons and under the burthen of three hundred tons at the rate of one hundred and twelve and an half cents per day ; for every ship or other vessel of the burthen of three hundred tons and under the burthen of three hundred and fifty tons at the rate of one hundred and twenty-five cents per day ; for every ship or other vessel of the burthen of three hundred and fifty tons and under the burthen of four hundred tons at the rate of one hundred and thirty-seven and an half cents per day ; for every ship or other vessel of the burthen of four hundred tons and under the burthen of four hundred and fifty tons at the rate of one dollar and fifty cents per day ; for every ship or other vessel of the burthen of four hundred and fifty tons and under the burthen of five hundred tons at the rate of one hundred and sixty-two and an half cents per day ; for every ship or other vessel of the burthen of five hundred tons and under the burthen of five hundred and fifty tons at the rate of one hundred and seventy-five cents per day ; for every ship or other vessel of the burthen of five hundred and fifty tons and under the burthen of six hundred tons at the rate of one hundred and eighty-seven and an half cents per day ; for every ship or other vessel of the burthen of six hundred tons and upwards to pay twelve and an half cents in addition for every fifty tons in addition to the rate last mentioned, for every day such ship or vessel shall use or be made fast to any of the said wharves.

Rates of
wharfage in
New-York.

II. *And be it further enacted,* That whenever any ship or other vessel shall be brought to any dock or wharf to

wharfage of
vessels while

repairing or
careening.

repair or careen, and it be found necessary to sling or erect any stage or stages on the sides of the said vessel for the more convenient caulking or repairing the same, or that any boats, scows or floating stages are brought along side said vessel for the purpose of caulking, repairing or careening as aforesaid, it shall and may be lawful for the owner or owners of said wharf, to ask, demand, take and receive thirty-three and one third per cent in addition to the sum the said vessel is liable and compelled to pay for her wharfage as aforesaid.

Wharfage
how collected

III. *And be it further enacted,* That it shall be lawful for the owner of any wharf in the said city to appoint a person to be wharfinger thereof, who shall continue at the pleasure of such owner, and who may in his own name or in the name of such owner ask and receive the wharfage as it shall become due ; and if any difference shall arise between such owner or wharfinger and the master, owner or agent of any ship or vessel, concerning the burthen thereof, either party may apply to one of the wardens of the port of New-York, who shall decide such difference by measuring the ship or vessel, or in such other manner as he shall deem best, and shall, if required by either party, certify under his hand the tonnage of such ship or vessel, and the same shall be final in respect to the rate of wharfage thereof, and the expenses of such determination shall be paid by the party against whom it shall be given ; *Provided however,* That the same shall not exceed one dollar and twenty-five cents.

And disputes
settled.

Proviso.

One vessel
fastened to
another being
at a dock to
pay half
wharfage.

IV. *And be it further enacted,* That every ship or other vessel which shall make fast to any other ship or vessel that shall be fastened to any wharf, and being so fastened shall load, unload or careen, shall pay the one half of the rate of wharfage such ship or vessel would have been liable to pay if fastened to such wharf and there loaded, unloaded or careened.

Persons liable
to pay wharf-
age.

Proviso.

V. *And be it further enacted,* That the master or owner of any ship or other vessel, or in their absence the factor or agent to whom such ship or vessel shall be consigned, shall be liable to pay the wharfage due for such ship or vessel ; *Provided however,* That such factor or agent shall not be liable for the same, unless an account of the wharfage due be delivered to such factor or agent, or if absent left at his usual place of abode, and the money there demanded before the departure of such ship or vessel from the port.

Wharfage
may be levied
by distress.

VI. *And be it further enacted,* That when any ship or other vessel has laid twenty-four hours at any wharf, and the master or owner refuses or neglects to pay the wharfage as aforesaid, or to give satisfactory security for the payment of the same, being thereunto required by the owner or wharfinger, by notice in writing being left on

board with the mate or one of the hands belonging to said vessel, it shall and may be lawful for the owner or wharfinger to distrain for such wharfage on any goods or chattels found on board such ship or vessel, and so from time to time as often as twenty-four hours wharfage shall become due, and the goods and chattels so distrained, to sell and dispose of in the same manner as is provided in the case of rent.

VII. *And be it further enacted*, That if the master or owner of any ship or other vessel shall cause to be discharged therefrom any ballast, consisting of earth, gravel or stones into any dock or upon any wharf within the said city of New-York, without the consent of the owner or wharfinger thereof, the master or owner of such ship or other vessel, shall for every such offence forfeit and pay to the owner of such dock or wharf, two dollars and fifty cents, to be recovered with costs of suit before any court having cognizance thereof in the name of the said owner or wharfinger; and if the master or owner of such ship or other vessel, having discharged any such ballast upon any wharf without consent as aforesaid, and after notice for that purpose in writing, shall neglect or refuse to remove the same, he shall forfeit and pay, for every day during such neglect or refusal, the same sum as by law shall be chargeable for the wharfage of such ship or vessel; *Provided however*, That no agent or factor transacting business for any person residing out of or absent from this state, shall be liable to any penalty imposed by this section, unless an account be delivered and the money demanded of such factor or agent as mentioned in the preceding section of this act.

VIII. *And be it further enacted*, That if any person employed in repairing, sheathing or graving any ship or other vessel, being in any dock within the city aforesaid, shall cause any timber or other thing whatsoever, tending to fill up or obstruct such dock, to be thrown into such dock, he shall for every such offence forfeit and pay to the owner or wharfinger of such dock the sum of five dollars, to be recovered in manner aforesaid.

IX. *And be it further enacted*, That if any wharf in the said city shall be incumbered with lumber or other articles so as to incommode the loading and unloading of vessels, or the passing and repassing of carts, the owner or wharfinger thereof shall give personal notice, or notice in writing to be left at the place of abode of the owner of such lumber or other articles, or of his factor or agent, to remove the same in a reasonable time, and on neglect thereof, or if the owner of such articles or his factor or agent cannot be found in the said city, and have no place of residence therein, the owner or wharfinger of such wharf may remove the same and keep them in custody till the charges of removal and storage of the articles removed be paid.

Penalty for discharging ballast into any dock or upon any wharf without leave.

Provido.

Penalty on throwing obstructions into any dock.

Remedy against incumbering wharves.

Rates of
craneage.

March
1811

X. *And be it further enacted,* That the owner of any crane upon any of the wharfs aforesaid may ask and receive to his use from the master or owner of any ship or other vessel that shall employ such crane, the following rates, to wit: For taking out and putting in the mast of every sloop of the burthen of eighty tons or upwards the sum of ten dollars; and for taking out or putting in the mast of any sloop of eighty tons or upwards six dollars and twenty-five cents; for taking out and putting in the mast of any square rigged vessel of the burthen of two hundred tons and upwards the sum of seven dollars and fifty cents; and for taking out and putting in the mast of any square rigged vessel or schooner under the burthen of two hundred tons six dollars and twenty-five cents; for taking out or putting in the mast of any square rigged vessel of the burthen of two hundred tons or upwards the sum of six dollars and twenty-five cents; and for taking out or putting in the mast of any square rigged vessel or schooner under the burthen of two hundred tons five dollars.

C H A P. CXXIX.

+ *An ACT for regulating the Buildings, Streets, Wharves and Slips in the City of New-York.*

Passed 3d April, 1801.

Common
council of N.
York to regu-
late buildings,
streets and
wharves,
and to appoint
a surveyor
thereof.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the mayor, aldermen and commonalty of the city of New-York in common council convened, from time to time to make such bye-laws and orders for the better regulating and arranging with uniformity such new buildings as shall be erected for habitations, or for the purposes of trade and commerce; and also for regulating and altering the streets, wharves and slips in such manner as shall be most commodious for shipping and transportation; and also from time to time to nominate and appoint two or more fit persons to be the surveyors of the buildings, streets, wharves and slips of the said city, whose duty it shall be to direct and see that all buildings, streets, wharves and slips, to be laid out or altered in the said city, be regulated with uniformity for the accommodation of habitations, shipping, trade and commerce, according to such bye-laws and orders as by the common council of the said city shall for that purpose be made, which said surveyors shall respectively before they enter upon the duties of their office, take the following oath or affirmation before the mayor or recorder, viz.

His duties.

And oath.

"I appointed a surveyor of the city of New-York, do swear in the presence of Almighty God, that I will faithfully, truly and impartially execute the office of one of the surveyors of the same city."

*Amsh
Dine*

II. *And be it further enacted,* That it shall be lawful for the said mayor, aldermen and commonalty in common council convened, to prevent any building that may incroach upon any street within the said city, and if in so doing or in laying out any streets, wharves or slips they shall require for such purposes the ground of any person, notice thereof shall be given to the owner or parties interested therein, or to his or their agent or legal representative and the said common council shall treat with such persons for the same, and if any such person shall refuse to treat for such ground, it shall be lawful for the mayor or recorder and any two or more aldermen, by precept under their hands and seals, to command the sheriff of the said city and county of New-York to impanel and return, and he is hereby required to impanel and return a jury to appear before the mayor's court of the said city, at any term thereof not less than three weeks from the date of such precept, to inquire of and assess the damages and recompence due to the owner or owners of such ground ; and at the same time to summon such owner or owners, or his or their agent or legal representative, by notice to be left at his or their most usual place of abode, to appear before the said court at the time and place in such precept to be mentioned, which jury being first duly sworn faithfully and impartially to inquire into and assess the damages in question, and having viewed the premises if necessary, shall inquire of and assess such damages and recompence as they shall under all the circumstances judge fit to be awarded to the owner or owners of such ground for their respective losses according to their several interests and estates therein ; and the verdict of such jury, and the judgment of the said mayor's court thereupon, and the payment of the sum or sums of money so awarded and adjudged to the owner or owners thereof or tender and refusal thereof, shall be conclusive and binding against the said owner and owners, his and their respective heirs, executors, administrators and assigns, claiming any estate or interest of, in or to the same ground ; and it shall thereupon be lawful for the said mayor, aldermen and commonalty to cause the same ground to be converted to and used for the purposes aforesaid.

The common council to prevent incroachments by buildings and may take ground belonging to individuals for the use of streets and slips.

Damages sustained thereby to be assessed by a jury.

III. *And be it further enacted,* That it shall be lawful for the said mayor, aldermen and commonalty to lay out as far as the same has not already been done, and according to the plan agreed upon for that purpose, regular streets or wharves of the width of seventy feet in front of those parts of the said city which adjoin to the East-river or Sound, and to the North or Hudson's river, and of such extent along those rivers respectively as they may think proper, and that as the buildings of the said city shall be further extended along the said rivers, it shall be

Common council to lay out and extend streets and wharves in front of the East and Hudson's river.

lawful for the said mayor, aldermen and commonalty from time to time to lengthen and extend the said streets or wharves.

How and by whom the said streets and wharves to be made.

*Heath
Hill*

IV. *And be it further enacted,* That the said streets or wharves shall be made and completed according to the said plan by and at the expense of the proprietors of land adjoining or nearest and opposite to the said streets or wharves, in proportion to the breadth of their several lots, by certain days to be for that purpose appointed by the said mayor, aldermen and commonalty, and that the respective proprietors of such of the said lots as may not be adjoining to the said streets or wharves, shall also fill up and level at their own expense according to such plan and by the said days respectively, the spaces lying between their said several lots and the said streets and wharves, and shall upon so filling up and levelling the same be respectively entitled to and become the owners of the said intermediate spaces of ground in fee simple.

Method of compelling the proprietors of adjoining lots to make the same.

De

V. *And be it further enacted,* That if any of the said proprietors shall neglect or refuse to fill up and level such intermediate spaces of ground by the said days to be so as aforesaid appointed, it shall be lawful for the said mayor, aldermen and commonalty to cause the same to be done for and on behalf of the said proprietors, and to charge them with the expense, and if the said proprietors respectively shall not repay the said expense with lawful interest from the times of the expenditure within one year and six months after the demand for that purpose made by the said mayor, aldermen and commonalty, or any person on their behalf, it shall be lawful for the said mayor, aldermen and commonalty to levy the same, together with the interest thereof and all reasonable costs and expenses attending such proceedings, by distress and sale of the goods and chattels of such proprietors or the occupants of the said lots respectively, or to recover the same from the said proprietors respectively by action of debt in the supreme court of this state, wherein it shall be sufficient to allege generally that the defendants respectively are indebted to the said mayor, aldermen and commonalty in a certain sum for money expended on their account by virtue of this act, and in such action any less sum than the one declared for may be recovered, and full costs shall be taxed for the plaintiffs if judgment shall be given in their favour.

Sums expended on behalf of the proprietors to become a lien on the lots, and made recoverable.

De

VI. *And be it further enacted,* That the said sums so to be expended on behalf of the said proprietors, and every sum which hath heretofore been assessed among the owners or occupants of any houses and lots in the said city by virtue of the act, entitled *An act for regulating the buildings, streets, wharves and slips in the city of New-York,* passed the sixteenth of April, one thousand seven hundred

and eighty-seven, and not refunded, or shall hereafter be assessed by virtue of this act, shall be a lien or charge upon the houses and lots in respect to which such assessments shall have been made, and shall bear lawful interest until paid, and shall be entitled to a preference before all other incumbrances upon the same, and may be sued for and recovered with costs in like manner as if the said houses and lots were mortgaged to the said mayor, aldermen and commonalty for the payment thereof; *Provided always*, That nothing herein contained shall extend to charge any such houses or lots which may have been *bona fide* sold and disposed of after the making of such assessment thereon, and before the third day of April, one thousand seven hundred and ninety-eight.

Provide.

VII. *And be it further enacted*, That it shall be lawful for the said mayor, aldermen and commonalty to direct piers to be sunk and completed at such distances, and in such manner as they in their discretion shall think proper, in front of the said streets or wharves so adjoining and extending along the said rivers, and the said piers to be connected with the said streets or wharves by bridges at the expense of the proprietors of the lots lying opposite to the places where such piers shall be directed to be sunk, and by such days and times as the said mayor, aldermen and commonalty may for that purpose limit and appoint; and if the said proprietors shall neglect or refuse to sink or make the said piers and bridges according to the directions of the said mayor, aldermen and commonalty, it shall be lawful for the said mayor, aldermen and commonalty to sink and make the same piers and bridges at their own expense, and to receive to their own use wharfage for all vessels that may at any time or times lie or be fastened to the said piers or bridges which they shall so make as aforesaid.

The corporation to direct piers and bridges to be made by the proprietors of adjoining lots.

And in default of proprietors corporation to make them and take the profits.

VIII. *And be it further enacted*, That it shall be lawful for the said mayor, aldermen and commonalty to grant to the owners of lots fronting on any of the said streets of seventy-feet, their heirs and assigns, a common interest in the piers to be sunk in front of such streets in proportion to the breadth of their respective lots, under such restrictions and regulations, and within such limits as the said mayor, aldermen and commonalty shall deem just and proper.

Corporation may grant a common interest in such piers and bridges to proprietors of lots fronting them.

IX. *And be it further enacted*, That every clause, covenant and condition in the several grants of the mayor, aldermen and commonalty of the said city to the said proprietors respectively, or those under whom they claim, to be kept, observed or performed by the grantees respectively, and their respective heirs, executors, administrators and assigns, shall notwithstanding this act retain their full force and validity, and shall be in no manner affected

Covenants & conditions in grants to remain in force.

by the same, or by any thing to be done or performed in consequence thereof, and the said mayor, aldermen and commonalty shall have, possess and be entitled unto the like payments, rights and remedies by virtue of the said grants as they might or could have had, or would have been entitled to if this act had never been passed, and shall not by the performance of any thing herein contained be deemed to have broken or infringed any of the covenants or conditions on their part contained in the said grants.

No buildings
permitted on
such streets or
wharves.

X. *And be it further enacted,* That no building of any kind or description whatsoever, other than the said piers and bridges, shall at any time hereafter be erected upon the said streets or wharves, or between them respectively and the river to which they respectively shall front and adjoin.

Corporation
to cause sew-
ers to be
made and
streets paved
and the same
cleaned.

XI. *And be it further enacted,* That it shall be lawful for the said mayor, aldermen and commonalty to cause common sewers, drains and vaults to be made in any part of the said city, and to order and direct the pitching and paving the streets thereof, and the cutting into any drain or sewer, and the altering, amending, cleansing and scouring of any street, vault, sink or common sewer within the said city; and to cause estimates of the expense of conforming to such regulations to be made, and a just and equitable assessment thereof among the owners or occupants of all the houses and lots intended to be benefitted thereby, in proportion, as nearly as may be, to the advantage which each shall be deemed to acquire; and the said mayor, aldermen and commonalty shall appoint five disinterested freeholders to make every such estimate and assessment, who before they enter upon the execution of their trust shall severally take an oath before the mayor or recorder of the said city, to make the said estimate and assessment fairly and impartially according to the best of their skill and judgment; and the said freeholders after having made such estimate and assessment shall certify the same in writing to the said mayor, aldermen and commonalty in common council convened, and being ratified by the said council shall be binding and conclusive upon the owners and occupants of such lots so to be assessed respectively, and shall be a lien or charge on such lots as aforesaid, and such owners or occupants shall also respectively be liable upon demand to pay the sum at which such houses or lots respectively shall be so assessed to such person as the said common council shall appoint to receive the same; and in default of such payment or any part thereof, it shall be lawful for the mayor, recorder and aldermen of the said city or any five of them, of whom the mayor or recorder shall be one, by warrant under their hands and seals to levy the same by distress and sale of the goods and chattels of such owner or occupant refusing

Expenses
thereof how
apportioned,
assessed and
levied.

NYB

or neglecting to pay the same, rendering the overplus, if any, after deducting the charges of such distress and sale, to such owner or occupant; and the money when paid or recovered shall be applied towards making, altering, amending, pitching, paving, cleansing and scouring such streets, and making and repairing such vaults, drains and sewers as aforesaid; *Provided however*, That nothing herein contained shall affect any agreement between any landlord and tenant respecting the payment of any such charges, but they shall be answerable to each other in the same manner as if this act had never been made; and if any money so to be assessed be paid by any person when by agreement or by law the same ought to have been borne and paid by some other person, it shall then be lawful for the person paying to sue for and recover the money so paid with interest and costs as so much money paid for the use of the person who ought to have paid the same, and the assessment aforesaid with proof of payment shall be conclusive evidence in such suit.

Agreements between landlord and tenant not affected.

Persons paying for others who ought to pay to recover the same.

XII. *And be it further enacted*, That when the said mayor, aldermen and commonalty in common council convened, shall make a general regulation in any part of the said city for raising, reducing, levelling or fencing in any vacant or adjoining lots, it shall be lawful for the said mayor, aldermen and commonalty, in case the same be not complied with, to cause an estimate of the whole expense of conforming to such regulation with respect to each lot which the owner thereof shall refuse or neglect to put in the order thereby required, to be made, assessed and certified by five freeholders in manner aforesaid, and the same being approved by the said mayor, aldermen and commonalty, they shall cause the same to be advertised in two or more of the public newspapers printed in the said city for three weeks, and shall therein require the owners of such lots respectively to pay the sum at which said lots shall be so assessed to the chamberlain of the said city, and that if default be made, such lot will be sold at public auction at a day and place therein to be specified, for the lowest term of years, at which any person shall offer to take the same in consideration of advancing the sum assessed on the same for the expense aforesaid; and if notwithstanding such notice and demand the owner or owners shall refuse or neglect to pay such assessment with the charge of appraisement and advertisement, then it shall be lawful for the said common council to cause the said lot to be sold at public auction for a term of years, for the purposes and in the manner expressed in the said advertisement, and to give a declaration of such sale to the purchaser thereof under the common seal of the said city; and such purchaser, his executors, administrators and assigns, shall by virtue thereof and of this act, lawfully hold

General regulations relative to streets how enforced and the expenses thereof collected.

In default of payment the lots charged therewith to be sold for a term of years.



Proviso as to
the return of
surplus mo-
nies. r. 4

Further af-
firmations how
made and sur-
plus monies
returned.

*Myer
Phillips*

Corporation
to fill up or
level lots if
the owner re-
fuses and to
recover back
the expense.

and enjoy the same for his and their own proper use against the owner or owners thereof and all claiming under him or them, until his term therein shall be fully complete and ended, being at liberty to remove all the buildings and materials which he or they shall erect or place thereon, but leaving the ground in sufficient fence, and with the street or streets fronting the same in the order required by the said regulations; *Provided always*, That if after defraying the actual expense of conforming any lot so to be sold for a term of years to the regulations aforesaid, and deducting all reasonable charges attending the same, a surplus of the purchase money shall remain in the hands of the chamberlain of the said city, the same shall forthwith be rendered to the owner or owners of such lot or lots respectively, or his or their legal representatives.

XIII. *And be it further enacted*, That if upon completing any such regulation it shall appear to the said mayor, aldermen and commonalty that a greater sum of money hath been *bona fide* expended in making such regulation than the sum estimated and collected as aforesaid, it shall then be lawful for the said mayor, aldermen and commonalty to cause a further assessment equal to such excess to be made and collected in manner aforesaid; and in case the sum actually expended shall be less than the sum expressed in such estimate, and collected as aforesaid, the surplus shall forthwith be returned to the persons from whom the same were collected, or their legal representatives.

XIV. *And be it further enacted*, That if the owner or occupant of any lot of ground in the said city shall refuse or neglect to fill up, raise, reduce or level such lot, in such manner as the same shall by any bye-law, rule, ordinance or order of the common council of the said city be required to be filled up, reduced, levelled or raised, it shall then be lawful for the mayor, aldermen and commonalty of the said city to cause such lot or lots to be filled up, raised or levelled, and the amount of the monies which they shall have advanced for that purpose with lawful interest for the same; shall be deemed a lien on such lot or lots, and shall be recoverable by them as for monies advanced for the use of the defendants, by suit against the owner or any other occupant or future owner of such lot or lots, at their election, in any court having cognizance of the same.

C H A P. CXXXII.

+ An ACT relative to the Harbour-Master, and Master and Wardens and Pilots of the Port of New-York.

Passed 3d April, 1801.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the person administering the government of this state by and with the advice and consent of the council of appointment, shall from time to time as often as it shall be requisite, appoint some proper person to be harbour-master of the port of New-York, and the said harbour-master, before he enters upon the duties of his office, shall execute a bond to the people of this state with two sufficient sureties to be approved of by the mayor of the city of New-York, in the penal sum of two thousand five hundred dollars, conditioned for the faithful and impartial fulfilment of the duties required of him by this act, and shall also take an oath truly and faithfully to execute the same, to be administered by the said mayor; *Provided however*, That the harbour-master already appointed shall continue in office during the pleasure of the said council.

Harbour-master of the port of New-York to be appointed.

To give a bond.

And take an oath.

Provide.

II. *And be it further enacted*, That the said harbour-master shall have authority to regulate and station all ships and vessels in the stream of the East and North-rivers, within the limits of the city of New-York, and at the wharves thereof, and to remove from time to time such ships or vessels as are not employed in receiving or discharging their cargoes to make room for such others as require to be more immediately accommodated for the purpose of receiving or discharging theirs, and as to the fact of their being fairly and *bona fide* employed in receiving or discharging their cargoes, the said harbour-master is hereby constituted the sole judge; *And further*, The said harbour-master shall have authority to determine how far and in what instances it is the duty of the masters and others having charge of ships and vessels to accommodate each other in their respective situations; and if any master or other person, having charge of any ship or vessel shall refuse or neglect to obey the directions of the said harbour-master in matters within his authority to direct, or if any person shall resist or oppose the said harbour-master in the execution of the duties of his office, such master or other person having charge of any ship or vessel, or other person whatsoever, shall for every such offence forfeit and pay the sum of fifty dollars, to be recovered with costs of suit in the name of the treasurer of the hospital of the said city before any court having cognizance thereof; all which fines when collected shall be paid to the said treasurer for the use of the said hospital.

His duties.

Penalty for disobeying his directions

How recovered & applied.

Further duties of the harbour-master relative to docks and wharves.

III. *And be it further enacted*, That it shall be the duty of the said harbour-master to superintend and enforce the execution of all laws of this state, and all bye-laws of the corporation of the city of New-York, for cleansing the docks and wharves, and for preventing and removing all nuisances whatsoever in or upon them or either of them.

Pilots to register their names, &c. with him.

IV. *And be it further enacted*, That it shall be the duty of all persons acting as pilots in the port of New-York to register their names and places of abode respectively in the office of the harbour-master, and the name, size and dimensions of the respective pilot boats used by them.

Masters of pilot boats to make report to him.

V. *And be it further enacted*, That it shall be the duty of every master, or person having charge of any pilot boat, to report to the harbour-master the time of his going out and returning into the harbour with the said boat, and each pilot shall report all ships and vessels inward or outward bound seen by him at sea or at anchor, within or without Sandy-Hook, to the end that due notice thereof may be given to the commander in chief and to the officer of the customs when necessary.

Harbour-master to order out pilot boats

VI. *And be it further enacted*, That the said harbour-master shall have power to order any pilot having charge of a pilot boat to go out upon duty with the said boat whenever in his judgment the safety of the navigation of the said port renders the going out of such boat necessary; and every pilot refusing or neglecting to perform any of the duties herein before imposed upon him shall on due proof thereof made to the master and wardens of the said port, be subject to a fine not exceeding the sum of five dollars, to be recovered with costs of suit before any court having cognizance thereof, in the name of the treasurer of the said hospital, for the use thereof, or to be rendered incapable of acting as a pilot thereafter, as in the judgment of the said master and wardens may be deemed proper.

Penalty for disobedience.

To appoint deputies.

VII. *And be it further enacted*, That the said harbour-master shall have power to appoint a deputy or deputies to assist him in the execution of the duties of his office, and the same to remove or displace, and to appoint others in his or their stead; *And further*, That the said harbour-master shall have power to demand and receive from the commander, owners and consignees, or either of them, of every ship or vessel that may enter the port of New-York and load, unload or make fast to any wharf therein, at and after the rate of one cent per ton, to be computed from the tonnage expressed in the registers of such ships and vessels respectively and no more; *Provided nevertheless*, That nothing whatsoever shall be demanded by the said harbour-master for the entrance into the port of New-York, of any vessel employed in the coasting trade within the United States, unless upon the application of the master

His compensation.

Vessels in the coasting trade not to pay except in case of disputes.

or person having charge of any vessel employed in the coasting trade as aforesaid, the said harbour-master shall interfere and adjust any difference which may happen respecting the situation or position of any such coasting vessel, which differences the said harbour-master is hereby authorized to hear and determine, in which case the said harbour-master may demand and recover in manner aforesaid from the party in default in the premises, the sum of one dollar for every difference so by him adjusted and no more.

VIII. *And be it further enacted,* That it shall be lawful for the person administering the government of this state by and with the advice and consent of the council of appointment, to appoint as often as shall be necessary one fit and proper person to be master, and three or more fit and proper persons to be wardens of the said port of New-York, who shall be called the master and wardens of the port of New-York, and also a sufficient number of persons to be branch pilots of the said port, each of which branch pilots may appoint one deputy under him; and it shall also be lawful for the person administering the government of this state by and with the advice and consent of the council of appointment, to appoint so many branch pilots as shall be necessary for the safe pilotage of vessels to and from the port of New-York through the channel of the East-river or Sound commonly called Hell-Gate; *Provided however,* That the several persons who are now master and wardens and branch pilots and deputies aforesaid, may respectively continue in office until others shall be appointed in their stead. *And provided further,* That no person shall be commissioned as a branch pilot, or appointed a deputy pilot, until he shall have obtained a certificate from the master and wardens aforesaid, or any three of them under their hands, that he is duly qualified for such office, and if any person not commissioned or appointed as aforesaid shall pilot any ship or other vessel going into or out of the said port from or to Sandy-Hook, when a branch or deputy pilot offers, he shall forfeit and pay the sum of twelve dollars and fifty cents, or if any such person shall pilot any ship or vessel other than vessels employed in the coasting trade between the port of New-York and any port of the United States through the Sound or Hell-Gate, or shall pilot in like manner any coasting vessel exhibiting the usual signal for a pilot to come on board, when a branch pilot offers, he shall forfeit and pay the sum of seven dollars.

IX. *And be it further enacted,* That the master and wardens hereafter to be appointed before they enter upon the execution of their said offices, shall severally take an oath before the mayor or recorder of the city of New-York, in the words following, to wit:

Master and wardens of the port of New-York to be appointed,

And branch pilots.

Who may appoint deputies

Provido.

Branch pilots and deputies to have a certificate before appointed.

Penalty for piloting without authority.

Master and wardens to take an oath.

Repealed
pp 74 ch 198

Form.

"I will well, truly and faithfully, according to the best of my skill and understanding, execute the powers and duties vested in or enjoined on me by law as master, (or, one of the wardens, as the case may be) of the port of New-York, so help me God."

Master and wardens to keep an office and an entry of their proceedings.

Duties of their clerk.

X. And be it further enacted, That the said master and wardens shall keep an office in the city of New-York, and shall cause to be made in a book to be kept for that purpose an entry of all their proceedings by virtue of this act, to which all persons may have recourse, and they shall appoint a clerk who may receive all pilotage money which shall become due to any pilot or deputy pilot, and on neglect or refusal of payment by the person who ought to pay the same, may sue for and recover the same in his own name with costs before any court having cognizance thereof; and the said clerk shall keep a separate account with each pilot of all monies received to his use, and shall once in every three months pay the same to them respectively, after deducting five per cent for his trouble; and all fines and forfeitures arising under this act, except the forfeited recognizances of pilots and deputy pilots, shall be sued for and recovered as aforesaid by and in the name of such clerk, and no such suit shall discontinue or abate by the death, resignation or removal from office of such clerk; and all such fines and forfeitures, and the sums recovered on any forfeited recognizance and not applied in discharge of damages as herein after mentioned, shall be paid to the said master and wardens and be by them applied towards defraying the necessary expenses arising in the execution of their trust; and every such clerk shall enter into bond with one or more sureties to the said master and wardens in the sum of one thousand two hundred and fifty dollars, conditioned that he will well and faithfully discharge the trusts reposed in him by this act.

Fines and penalties how applied.

Clerk to give bond.

Branch and deputy pilots to enter into recognizance.

XI. And be it further enacted, That every branch pilot or deputy pilot of the port of New-York hereafter to be appointed, before he takes upon himself the execution of his office shall enter into a recognizance to the people of this state, before the mayor or recorder of the city of New-York, with two sufficient sureties to be approved of by the master and wardens aforesaid, or any three of them, in the sum of two hundred and fifty dollars, with condition that he will diligently and faithfully execute the trust reposed in him as a pilot, or deputy pilot (as the case may be) according to the directions of this act, and such rules and orders as shall be given him in pursuance thereof; and every such recognizance if forfeited, may at the request of any person aggrieved be prosecuted in the supreme court or in the mayor's court of the said city to judgment and execution as in other cases, and the amount of such recognizances when recovered and received shall

*Refer to ch 198
p 14*

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by an order of the court in which the same is recovered, be paid to the said master and wardens; and the said master and wardens, or any three of them, shall in such case, and also at any time after suit brought on such recognizance if requested by any party interested therein, examine into and ascertain the damages sustained by the person so aggrieved, and shall apply the monies so to be received, or as much as shall be requisite to pay the damages so ascertained, and shall make report in writing to the court in which such recovery shall be had of the damages so ascertained and paid; *Provided however*, That if the branch or deputy pilot so offending shall before judgment obtained on his recognizance as aforesaid, pay to the party aggrieved the damages to be ascertained by the said master and wardens in manner aforesaid, together with the costs of suit, the suit on such recognizance shall be discontinued.

XII. *And be it further enacted*, That the said master and wardens or any two of them shall be surveyors of damaged goods brought into the port of New-York in any ship or vessel, and with the assistance of one or more skilful carpenters shall be surveyors of any vessel deemed unfit to proceed to sea, and they shall upon every such survey certify under their hands how the goods or vessel surveyed appeared to them, and shall cause an entry to be made in a book to be kept for that purpose in their office, for which certificate and entry their clerk shall be entitled to one dollar and twenty-five cents, and the said wardens shall severally be entitled for their services as surveyors aforesaid at the rate of two dollars and fifty cents per day.

Master and wardens to survey damaged goods.

And with the aid of one or more carpenters to survey vessels.

Compensation for the same.

XIII. *And be it further enacted*, That neither the master or any of the wardens aforesaid shall be concerned directly or indirectly in any pilot boat or with any branch pilot in respect to the business of his trust.

The master or wardens not to be concerned in any pilot boat.

XIV. *And be it further enacted*, That the said master and wardens, with the consent of the person administering the government of this state, may make such rules and orders for the better government of the said pilots as they shall deem proper, and the same from time to time revoke or amend, and any three of the said master and wardens may impose fines for the breach of any such rules and orders upon any of the said pilots or deputy pilots; *Provided however*, That no fine, for any offence shall exceed twenty-five dollars, unless any branch pilot or his deputy shall neglect or refuse to give all the assistance in his power to any ship or other vessel appearing in distress on the coast or in want of a pilot, and in such case every pilot or his deputy so offending shall at the discretion of any three of the said master and wardens be fined in any sum not less than twelve dollars and fifty cents, nor more than

Master and wardens to make rules for pilots and enforce the same by fine.

Provido.

fifty dollars, or be suspended from his office until the pleasure of the council of appointment be known.

Pilots to be furnished with printed instructions.

XV. *And be it further enacted*, That the said master and wardens shall furnish every pilot and deputy pilot aforesaid with printed instructions, to be shown by such pilot to the master or commander of every vessel as soon as he shall go on board to take charge of such vessel to pilot her into the said port.

Master and wardens during the recess of the council to supply vacancies in the office of branch pilot.

XVI. *And be it further enacted*, That the master and wardens aforesaid, or any three of them, may supply vacancies happening in the office of branch pilot aforesaid during the recess of the council of appointment, by appointment under their hands and seals to continue for any term therein specified, not exceeding six months ; and every person so appointed shall during the time for which he shall be appointed be subject to the like duties and penalties as other branch pilots.

Pilot boats described and the duty of branch pilots respecting the same.

XVII. *And be it further enacted*, That every pilot boat except those that were in use on the sixteenth day of March, one thousand seven hundred and ninety-eight, shall not be less in the length of keel than thirty nor more than forty-five feet including the whole length of the scarf ; and every branch pilot of the port of New-York shall be owner or part owner of a pilot boat, and shall keep such boat exclusively employed as a pilot boat, and every such branch pilot not owning or employing a pilot boat as aforesaid shall forfeit his office, and in the mean time shall be suspended as aforesaid by any three of the master and wardens aforesaid ; *And further*, That the branch and deputy pilots of the said port of New-York, shall at their joint expense keep a good and sufficient whale boat at Sandy-Hook, furnished with a sufficient number of oars and in good repair, and the clerk of the said master and wardens shall from time to time out of the monies received for pilotage retain sufficient in his hands to keep the said boat in repair and furnished as aforesaid.

A whale boat to be kept at Sandy-Hook.

Compensation for helping vessels in distress.

XVIII. *And be it further enacted*, That the master or owners of any ship or vessel appearing in distress and in want of a pilot on the coast, shall pay unto such branch or deputy pilot who shall have exerted himself for the preservation of such ship or vessel, such sum for extra services as the said master or owner and pilot can agree upon ; and in case no such agreement can be made the master and wardens aforesaid, or any three of them, shall determine what is a reasonable reward, and the sum so determined by them shall be collected in the manner by this act directed for the collection of pilotage.

Half fees to be paid by masters who refuse to receive a pilot on board.

XIX. *And be it further enacted*, That if the master of any ship or vessel coming to the port of New-York, shall refuse to receive on board and employ a pilot, the master or owner of such vessel shall pay to such pilot who shall

have offered to go on board and take charge of the pilotage of such vessel, half pilotage from the place at which such pilot shall have offered himself to the said port of New-York.

XX. *And be it further enacted*, That the pilotage for any vessel outward bound shall be paid or secured to be paid to the clerk of the wardens aforesaid, for the use of the pilot who shall take charge of the vessel, before she breaks ground in the port of New-York, and if the pilot for whose use such pilotage money shall have been paid or secured as aforesaid, shall not do his duty in piloting such vessel, the pilotage money paid shall be restored and the security given become void.

Pilotage for outward bound vessels how paid or secured.

XXI. *And be it further enacted*, That if any vessel going out of the port of New-York shall carry off to sea through the default of the master or owner of such vessel any pilot or deputy pilot, when a boat is attending to receive such pilot or deputy pilot from on board of such vessel, the master or owner of such vessel shall pay to the master and wardens of the port of New-York, for the use of such pilot or deputy pilot, besides the pilotage of such vessel the like wages per month until he shall return to the port of New-York as the monthly wages allowed to the mate of such vessel; *Provided*, That such pilot or deputy pilot shall have performed the duties required of him by this act; *And provided also*, That such pilot or deputy shall as far as in his power perform the usual duties of a seaman on board of such vessel after being so carried off, and if any money shall have been paid to such pilot by the master or owner of, or factor for, such vessel the same shall be deducted from the monies to be paid to the clerk of the master and wardens for the use of such pilot or deputy pilot.

Wages of pilots carried off to sea.

Proviso.

XXII. *And be it further enacted*, That it shall be lawful for every branch or deputy pilot aforesaid to ask and receive pilotage from any person who shall employ him to pilot any ship or other vessel from the eastward or southward of the outer middle ground bar or east bank to the port of New-York, and shall there safely moor such vessel, or take her to a proper wharf, as the master of such vessel may desire, and likewise from any person who shall employ him to pilot any ship or other vessel from the port of New-York to the eastward and southward of the said outer or middle ground bar or east bank so far that such vessel may safely proceed to sea, at the rate of one dollar and twenty-five cents for every foot of water such ship or vessel shall draw; *Provided*, That no more than half pilotage, at the rate aforesaid shall be demanded or received by any such pilot who shall to the westward of the said middle ground or east bank take charge of any ship or other vessel coming into the port of New-York; *And provided also*, That no pilotage whatsoever shall be demanded or received

Rates of pilotage to and from the south and east sides of the east bank.

Proviso.

Further proviso.

ed by any such pilot for any such ship or other vessel coming into the said port of New-York, unless such pilot shall take charge of such ship or vessel to the south of the upper middle ground.

Additional pi-
lotage when
allowed.

XXIII. *And be it further enacted,* That between the first day of December and the first day of March inclusive in every year, every such pilot may ask and receive the additional sum of four dollars for any ship or other vessel drawing ten feet water and upwards, and for every ship or other vessel drawing less than ten feet water the additional sum of two dollars.

Pilotage for
foreign bot-
toms.

XXIV. *And be it further enacted,* That it shall be lawful for every branch pilot or deputy pilot aforesaid to ask and receive from any person who shall employ him to pilot any ship or other vessel, being a foreign bottom, the sum of two dollars and fifty cents on every such ship or vessel in addition to the rates of pilotage allowed as aforesaid.

Compensation
for detention
of pilots on
board.

XXV. *And be it further enacted,* That for every day which any pilot aforesaid shall be required to remain or be detained on board any ship or other vessel, by the master thereof, waiting for a fair wind or otherwise, he may demand and receive the sum of one dollar and fifty cents.

Rates of pilot-
age for the
Sound.

XXVI. *And be it further enacted,* That every branch pilot appointed to pilot vessels through the East-river or Sound, commonly called Hell-Gate, may demand and receive from the master of any ship or vessel to whom he shall tender his services as a pilot, and by whom the same shall be refused, and for detention on board of any vessel waiting for a fair wind or otherwise, the same compensation as is herein before allowed to the other branch pilots of the port of New-York, and in all other cases they may demand and receive such rates of pilotage as shall be established by the master and wardens aforesaid for such pilots; *Provided however,* That nothing shall be demanded or received from the master or owner of any vessel employed in the coasting trade between the port of New-York and any port of the United States for refusing to receive and employ such pilot.

Coasting ves-
sels exempted
from pilotage.

C H A P. CLXVIII.

An ACT relative to the Election of Charter Officers, and relative to Weigh-Masters in the City of New-York.

Passed 7th April, 1801.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That all officers to be chosen or appointed in and for the city of New-York by virtue of the charter thereof, shall be chosen or appointed on the third Tuesday of November in every

Charter off-
icers when to
be chosen or
appointed.

*Refered
to 62 Feb 27*

year, and not on the twenty-ninth day of September in such year, and shall be sworn into and commence the duties of their respective offices on the first Monday in December thereafter.

II. *And be it further enacted,* That the mayor, aldermen and commonalty of the said city shall on such day in the month of November in every year as to them shall seem meet, at least eight days before the annual day of election above established, fix upon a proper place in each of the wards of the said city where such election shall be held, and nominate and appoint a fit and discreet person for each of the said wards, being a resident in such ward and a freeholder there or a freeman of the said city, to preside at and be the inspector or returning officer at every election for officers in such ward during the year then next ensuing; *And further,* That in case any of the said inspectors shall die, remove out of the said city, refuse to serve or be rendered incapable of attending any of the said elections before or on the day on which the same is to be held, that it shall be lawful for the said mayor, aldermen and commonalty in every such case to appoint another such person as aforesaid to be an inspector of the said election in the room of the person before appointed; *And further,* That each of the said inspectors shall appoint a proper person to act as clerk at each election to be held in the ward for which he shall be so appointed, and shall before he proceeds to any such election tender and administer to such clerk the oath following, to wit:

"I do solemnly and sincerely swear and declare, in the presence of Almighty God, that I will truly and impartially execute the trust reposed in me as clerk of this election."

And that the said clerk shall upon every such election in the presence of the said inspector and in a poll book to be provided for that purpose, set down the name of each voter and that of the person for whom he shall vote, and whether he votes as a freeholder or freeman, which said poll book shall upon the closing of the poll at every such election be subscribed with the proper name and handwriting of such inspector and be by him delivered to the clerk of the said city or his deputy; *And further,* That every such clerk of election shall be allowed for his services at each election the sum of two dollars to be paid by the said mayor, aldermen and commonalty.

III. *And be it further enacted,* That if any of the aldermen or other officers of the said city chosen as aforesaid, shall refuse to serve, or die or remove out of the said city before the expiration of the time for which he was chosen to serve in any such office, or shall not be legally qualified to serve in such office, then and in every such case such office shall be deemed to be vacant, and the said mayor, aldermen and commonalty in common council

Common council to fix on a day and place of holding elections,

And appoint inspectors

Who shall appoint a clerk

His oath,

Duty,

And allowance

In case of the death, &c. of any alderman &c. how others to be chosen.

convened, shall order an election to be held to fill every such vacancy, and appoint a place in the ward for which such election is to be held; and a time not less than five days after the making of such appointment for holding such election, and shall forthwith give notice thereof to the inspector of the ward in which such vacancy shall happen, and the said inspector shall thereupon forthwith cause the same to be published by advertisements put up in at least three of the most public places in such ward.

Penalty on inspectors refusing to serve.

IV. *And be it further enacted,* That if any person who shall be appointed an inspector as aforesaid shall neglect or refuse to execute the said office, he shall forfeit for every such offence the sum of fifty dollars, to be recovered, levied, collected and applied in the mode pointed out by the charter to the mayor, aldermen and commonalty.

If no inspector be appointed or he refuse to serve, how election to be held.

V. *And be it further enacted,* That in case the said mayor, aldermen and commonalty shall in any instance neglect to appoint an inspector for any of the said elections, or such inspector shall not attend or do the duty of his office, then and in every such case such election shall be held in the manner directed by the charter of the said city.

Qualifications of electors.

VI. *And be it further enacted,* That no person shall vote as a freeholder at any of the said elections, unless he shall be possessed of a freehold estate in lands or tenements in his own right, or that of his wife, to the value of fifty dollars over and above all the debts charged thereon, within the ward where he shall vote, and shall have possessed the same (except it came to him by descent or devise) at least one month before the day of such election; *And further,* That no person shall vote as a freeman of the said city at any of the said elections unless he shall have been admitted to the freedom of the said city at least three months, and have actually resided in the ward for which he shall so vote at least for one month before the day of such election; *And further,* That every person offering to vote as a freeholder at any such election shall before he be admitted to vote take the following oath, if required so to do by the inspector of such election, that is to say:

Electors to take an oath if required.

Freehold elector's oath.

"I do solemnly and sincerely swear and declare, that I am a freeholder, and that I hold my estate by descent or devise (if such shall be the case, or if he shall not so hold, then) and that I have been so for one month next preceding this election, and possessed in my own right, or in my wife's right, (as the case may be) of a freehold of the value of fifty dollars in the ward in which I now offer to vote; that I do not hold the same in trust for any body politic or corporate, or for any pious or religious use whatsoever; that I have not before been polled at this election by virtue of the said freehold, and that I have not procured the said freehold under any obligation or promise to convey the same to any other person after this election."

And in like manner every person offering to vote as a freeman of the said city at any such election shall, if required so to do by the said inspector, take the following oath before he shall be admitted to vote at such election, that is to say :

"I do solemnly and sincerely swear and declare in the presence of Almighty God, that I am and have been for three months last past a freeman of the city of New-York, and have actually resided in the ward in which I now offer to vote for one month last past, and that I have not been before polled at this election."

Freeman's
oath.

And if any person offering to vote as a freeholder or freeman as aforesaid shall refuse to take the oath above prescribed to be by him taken, when thereunto required by the inspector as aforesaid, his vote shall be rejected.

VII. And be it further enacted, That every mortgagor or mortgagee when in possession of the mortgaged premises, and not otherwise, shall be deemed a freeholder within the meaning of this act, and that no person holding lands, tenements or hereditaments in trust for any body politic or corporate, or for any religious or pious use or purpose, shall thereby acquire or possess a right to vote, nor shall any person under the age of twenty-one years be qualified to vote at any such election.

Mortgagors
and mortga-
gees in posses-
sion consider-
ed as free-
holders.

No person
holding in
trust, &c. or
within age,
allowed to
vote.

VIII. And be it further enacted, That it shall be lawful for every person hereafter appointed mayor of the said city, at any time within twenty days after such appointment, to take the oaths prescribed by the charter of the said city to be taken by such mayor, before such person or persons as may be appointed by commission under the great seal of this state in the nature of a *dedimus potestatem* to administer the oaths required to be taken by persons holding offices under this state in the said city, instead of taking the said oaths in the presence of three or more of the aldermen of the said city.

Mayor may
take his oath
of office be-
fore any one
in the *dedimus*

IX. And be it further enacted, That it shall be lawful for the person administering the government of this state by and with the advice and consent of the council of appointment, yearly hereafter, to appoint the several charter officers of the said city of New-York, who are to be annually so appointed, at any time during the session of the legislature in each year, and every officer so appointed shall hold his office for one year from the time of his appointment and until another shall be appointed and sworn in his stead.

When charter
officers may
be appointed.

X. And be it further enacted, That no physician, surgeon, clerk or attorney of any court of record, or any person who shall have served as a member or clerk of the senate or assembly, or in any office in the corporation of the said city superior to that of collector or constable, shall be compelled to serve in the said office of collector or constable within the said city.

What persons
exempted
from serving
as collector
or constable.

The common council may appoint weigh-masters.

And fix their compensation.

Weigh-master's oath.

XI. And be it further enacted, That the said mayor, aldermen and commonalty may appoint as many weigh-masters for the said city as they shall from time to time think necessary, and the same displace and appoint others in their stead whenever they may think proper; and also fix and alter the compensations to such weigh-masters; and every weigh-master so by them to be appointed shall before he enters upon the duties of his office take and subscribe the following oath or affirmation before the mayor or recorder of the said city, viz.

"I do solemnly and sincerely swear (or, affirm as the case may be) that I will faithfully and honestly, to the best of my skill and understanding, perform the duties of a weigh-master in the city of New-York."

CHAP. CLXXXI.

† An ACT for the more effectual Collection of Taxes in the City and County of New-York.

Passed 8th April, 1801.

Mayor, recorder and aldermen to be the supervisors of the city of New-York.

Annually to meet and estimate the sums to be raised therein.

How to be levied and collected.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the mayor, recorder and aldermen of the city of New-York shall be the supervisors of the said city, and as such shall annually on the second Tuesday of July meet together at the city-hall of the said city, and at such other times and places as they shall find necessary, and examine and ascertain what sums of money are by law imposed on the said city in that year for the maintenance of the poor, for defraying the contingent charges of said city, and for other purposes, and shall cause the same to be raised, levied and collected in the said city in the same manner as the contingent charges of the several counties of this state are directed to be levied and collected by the act, entitled *An act for defraying the public and necessary charges in the respective counties of this state*, and the same shall in like manner be paid to the chamberlain of the said city; and the said mayor, aldermen and commonalty, and chamberlain, shall respectively proceed relative thereto in like manner and subject to the like restrictions and regulations as the *commissioners of taxes** and treasurers of the other counties of this state are by the said act respectively required to do in relation to the contingent charges of the said counties.

Chamberlain to be treasurer of said city and sub.

II. And be it further enacted, That the chamberlain of the said city shall in respect to all monies so to be levied and collected, and also in respect to all monies to

* After this act and the one referred to in this section were revised and reported, the office of *commissioners of taxes* was abolished by an amendment to the other act, and which amendment shall have been here omitted by mistake. *II.*

be levied and collected in the said city for the use of this state, perform the like duties as the treasurers of the several counties of this state are by the said act required to do and perform, and be accountable in like manner to the said mayor, recorder and aldermen as the supervisors of the said city, and once in every year, between the third Tuesday of November and the first Tuesday of December, and at such other times and at such places as the said mayor, recorder and aldermen shall direct, exhibit to them his books and accounts, and all vouchers relating to the same, to be examined and audited, and shall also before entering upon the execution of his office give the like security by bond to the mayor, aldermen and commonalty of the said city, and the obligors in such bond, their heirs, executors or administrators, shall jointly and severally be liable to be prosecuted on such bond, and such chamberlain shall also be liable to such other actions and in the like cases as the said treasurers of the other counties of this state and their sureties are respectively liable to by the said act, and the monies recovered in any such action shall be paid and applied in the like manner; and in case of the death, resignation or removal from office of such chamberlain, all the books and papers belonging to his office shall be delivered to his successor in office upon oath in like manner as in the case of the death, resignation or removal from office of the treasurer of any other county, and upon refusal or neglect so to do when lawfully demanded, every person so refusing or neglecting shall forfeit the like penalties to the mayor, aldermen and commonalty of the said city, to be recovered and applied in like manner as in the case of such refusal or neglect, on the death, resignation or removal from office of the treasurer of any other county.

ject to the like duties and regulations as the treasurers of the several counties.

III. *And be it further enacted*, That all monies which shall come to the hands of the chamberlain of the said city for the maintenance of the poor and for defraying the other contingent expenses of the said city, or for any other purpose in the said city, and for any penalties or forfeitures incurred by virtue of this act and appropriated hereby to the use of the said city, shall be paid by him to such persons and in such manner as the mayor, aldermen and commonalty of the said city in common council convened, by warrant under the hand of the mayor or recorder of the said city, presiding in such common council, shall from time to time direct; and the said chamberlain shall be entitled to retain for his services seven mills for every dollar which he shall receive and pay, one half for receiving and the other half for paying; and he shall annually on the first Monday in December, publish in one or more of the public newspapers in the said city a statement of all monies received by him for the use of the said

How monies received by him shall be paid.

His fees.

Annually to publish an account of receipts and expenditures.

city, and the purposes to which the same have been applied, as mentioned in such warrants.

Mayor, recorder and aldermen empowered to act.

All questions to be decided by a majority

Penalty for neglect of duty.

Collectors of taxes when to pay monies collected to the chamberlain.

And to exhibit their assessment rolls

Penalty for neglect.

How to be recovered and applied.

IV. *And be it further enacted*, That it shall be lawful for the mayor, recorder and aldermen of the said city, or any five or more of them, of whom the mayor or recorder shall always be one, to do and perform every act which the said mayor, recorder and aldermen are by this act authorized or required to do, and all questions at any meeting shall be determined by the opinion of the majority of the members attending the same.

V. *And be it further enacted*, That if any mayor, recorder or aldermen of the said city and county of New-York shall wilfully neglect or refuse to perform any of the duties required of him by this act, he shall for every such offence incur the like forfeiture as in the case of such refusal or neglect by any supervisor in the other counties of this state by virtue of the said act, and to be recovered and applied in like manner.

VI. *And be it further enacted*, That the collectors of taxes in the city and county of New-York shall severally on the first Monday in each and every month, and oftener if thereunto required by the said chamberlain or treasurer, pay to the said chamberlain or treasurer the monies by them from time to time collected, and shall exhibit to him their respective assessment rolls whenever they shall be so required to do by said chamberlain, for the inspection of the mayor, aldermen and commonalty aforesaid, under the penalty of two hundred and fifty dollars for each default in the premises, to be sued for in any court having cognizance of the same ; and it shall be the duty of the said mayor, aldermen and commonalty in common council convened, to prosecute for the same, and to appropriate such penalties when recovered to the support of the poor of said city.

TWENTY-FOURTH SESSION. CHAP. VI.

An ACT for the Relief of the Mayor, Aldermen and Commonalty of the City of New-York.

Passed 16th February, 1801.

Preamble, reciting the memorial of the common council of New-York.

WHEREAS the mayor, aldermen and commonalty of the city of New-York, have by their memorial represented, that pursuant to the authority given to them in and by the last section of the act, entitled *An act to raise a sum of money for the use of this state by tax, and for the further support of government*, passed the third day of April, one thousand seven hundred and ninety-nine, they had borrowed the sum of forty-five thousand dollars for the purposes in and by the said recited act directed, and pray-

ing legislative provision for the re-payment of the same :
Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the comptroller shall draw his warrant on the treasurer in favour of the said corporation, for the amount of the interest now due on the monies so borrowed as aforesaid, at and after the rate of six per cent per annum.

Comptroller to draw his warrant on the treasurer, in favour of the said corporation for a certain amount.

II. *And be it further enacted,* That the comptroller shall annually, on the first Monday in October in every year, draw his warrant on the treasurer for the sum of nine thousand dollars in favour of the said corporation, until the whole of the said sum of forty-five thousand dollars, with the interest accruing thereon, shall be paid, which sum shall be paid out of monies then in the treasury not otherwise appropriated.

His further duty in the premises.

City of Albany.

NINETEENTH SESSION. CHAP. XXVI.

An ACT to enable the Corporation of the City of Albany to supply the said City with Water by means of Conduits.

Passed 11th March, 1796.

Obsolete.

WHEREAS the corporation of the city of Albany have prayed the legislature to be enabled to supply the said city with spring water by means of conduits intended to be laid through lands belonging to others as well as through lands belonging to the said corporation, and legislative provision being necessary in the premises, Therefore,

Preamble:

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the said corporation by themselves or by an engineer or other person to be by them employed, may enter upon any land or lands through which they shall deem it proper to carry any conduits, lay any reservoirs or make any other devices for the purpose of supplying the said city with water from any spring or springs in the vicinity and within the limits thereof, and to lay out and survey so much ground for the same as shall be deemed necessary, to be ascertained in manner hereinafter mentioned ; and it shall and may be lawful for the said corporation to contract and agree with the owner or occupants severally of the lands through which such conduits are intended to be carried, or such reservoirs and other devices to be placed, if they can agree with such owners or occupants, but in case of disagreement, or in case any owner or occupant shall be *feme*

Corporation may enter on lands requisite for conduits.

covert, under age, *non compos mentis*, or out of the state, the lands intended to be taken for the purpose aforesaid shall be appraised, and the damages assessed by appraisers to be appointed in manner hereinafter directed.

In case of disagreement to cause a survey and map to be made, &c.

II. *And be it further enacted*, That in case the said corporation cannot agree with all the owners or occupants of the land through which such works shall be carried or erected, they shall previous to any appraisement to ascertain the value thereof and of the damages to be assessed, cause a survey and map to be made of the tract or direction in which it is intended such conduits shall run, and of the ground in their estimation requisite for such conduits, reservoirs and other devices, in the field book of which survey and maps shall be specified and distinguished the lands of each of the several owners and occupants intended to be appropriated to the works aforesaid, and the quantity thereof, and shall exhibit such field book and map to the justices of the supreme court, or to any two of them, and if such justices shall be of opinion that the land so surveyed and laid out is not more than requisite for the intended works, they shall certify such field book and map under their hands and seals, and cause the same to be filed in the office of the clerk of the city and county of Albany, there to remain as a public record ; and it shall then be lawful to and for the said justices, by a writing under their hands and seals, to appoint not less than three nor more than five discreet persons, none of whom shall be inhabitants of the said city or interested in the lands so surveyed as aforesaid, to appraise the premises specified in such field book and delineated on such map ; and it shall be the duty of the appraisers, or a majority of such as shall be appointed, to examine the lands of each person, owner or occupant so intended to be appropriated, and to ascertain the value thereof and of the damages which each may sustain by such appropriation, and to make a regular entry of each valuation and assessment of damages in a book to be by them kept for that purpose, and having completed the valuation and assessments, they shall certify the same under oath to be a true, fair and impartial valuation and assessment, to the best of their belief ; and shall then cause such book (the execution of the certificate being first duly proved or acknowledged) to be filed in the office of the clerk aforesaid, there to remain as a public record ; and from thence forward the lands and tenements mentioned and specified in the field book and delineated on the map filed in the said office, shall be and hereby is vested in fee simple in the said corporation and their successors ; *Provided always*, That such vesting shall be on the conditions following, to wit : That whenever the chamberlain of the said corporation shall be applied to and required by the owner or occupant of any of the lands

Appraisers to examine the land and ascertain the value thereof.

Fee simple of the land when appraised vested in the corporation on certain conditions.

so valued and assessed, or by the legal representatives of any *feme covert*, person under age, *non compos mentis*, or person not within the state, for the sum of money which to such applicant shall appertain, to be ascertained from the book so certified and filed by the appraisers as aforesaid, and shall neglect or refuse to pay such applicant the assessed value and damages, with legal interest from the time of the filing of such book by the appraisers, it shall thenceforth be lawful for the person entitled to the amount of such valuation, damages and interest, by himself or herself, his or her legal representative or attorney, to prosecute the said corporation for the same in any court within the said city and county having competent jurisdiction, and if the prosecutor prevail in such suit, he or she shall have judgment in his or her favour with damages and treble costs.

III. *And be it further enacted*, That if any person shall wilfully injure, damage or destroy any of the said conduits, reservoirs or other devices thereunto appertaining and shall be thereof convicted, the person so offending shall forfeit and pay a fine of ten pounds to the use of the said corporation, to be recovered with costs of suit before any justice of the peace, and shall moreover be liable to a suit in damages, and if a verdict is obtained against such offender, damages with treble costs shall be recovered by the said corporation.

Penalty on persons who shall wilfully damage the conduits.

IV. *And be it further enacted*, That it shall and may be lawful for the said corporation from time to time, to make and establish such ordinances relative to the protection of the conduits and other works incident thereto, as they in their discretion shall deem meet and proper, not contrary to the constitution and laws of this state, nor shall any penalty be inflicted by any such ordinance which shall exceed the sum of forty shillings.

Corporation may establish laws for protecting said conduits.

TWENTY-FOURTH SESSION. CHAP. CLIII.

• *An ACT to reduce several Laws relating particularly to the City of Albany, into one Act, and to make further Alterations in the Charter of the said City.*

Passed 4th April, 1801.

WHEREAS the mayer, aldermen and commonalty of the city of Albany in common council convened, have by petition under their common seal, prayed the legislature that the alterations hereinafter contained may be made in the charter of the said city, and incorporated with the several laws particularly relating to the said city into one act ; Therefore,

Preamble.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be law-

When charter officers to be appointed.

Aldermen,
assistants and
chamberlain
when to be
chosen.

When to be
sworn into
office.

Bounds of the
1st ward.

Of the 4th
ward.

Common
council how
formed.

A part of the
city shall con-
tinue to be-
long to the
2d ward.

Qualifications
of electors.

ful for the person administering the government of this state, by and with the advice and consent of the council of appointment, yearly hereafter to appoint the several charter officers in the said city who are to be annually so appointed, at any time during the session of the legislature in each year; and every officer so appointed shall hold his office for one year, and until another shall be appointed and sworn in his stead; and that the election of aldermen, assistants and chamberlain, for the said city, shall for ever hereafter be held on the last Tuesday of September in every year; and that the said aldermen, assistants and chamberlain instead of taking the oaths of office pursuant to the directions of the charter of incorporation granted to the mayor, aldermen and commonalty of the said city, on the fourteenth day of October in every year, shall hereafter take the said oaths or affirmations in the manner prescribed in and by the said charter, on the second Tuesday of October in every year.

II. *And be it further enacted*, That all that part of the said city now known and called by the name of the first ward, and lying westerly of the following line, to wit: Beginning on the north side of State-street at the southwest corner of the store now occupied by Stewart and Townsend and running from thence across said State-street to and through the middle of Green-street to the intersection of Bone-lane with said Green-street, from thence with a straight line to and through the middle of Frelinghuysen-street to the south bounds of the said city, shall continue to be known and called the First Ward of the said city; and that all that part of the said city now known and called by the name of the Fourth Ward and lying on the east side of the line aforesaid, shall continue to be known and called the Fourth Ward of the said city; and that the electors of the said two wards, who are qualified in the manner hereinafter prescribed, shall have and enjoy the same rights and privileges, in every respect as those of the other wards in the said city are entitled to; and that hereafter four aldermen and four assistants together with the mayor or recorder, shall be necessary to form a common council: *And further*, That that part of Pearl-street which lies north of Fox's creek, and that part of the said city which lies to the north of the said creek and to the west of the said street, shall continue to be part of the second ward of the said city.

III. *And be it further enacted*, That all male persons being citizens of the United States and above the age of twenty-one years, who shall have resided in the said city for six months next preceding any election for aldermen, assistants or constables, and paid taxes within the same, or shall be possessed of a freehold, or shall have rented a tenement of the yearly value of five dollars for the term of

one year within the same, or being an inhabitant and born within the said city of the age aforesaid, and no other person shall have a right to vote at such election within the wards in which they shall then actually reside: *And further*, That every person offering to vote at any such election, shall before he be admitted to vote take the following oath or affirmation, if required so to do by the aldermen presiding at such election, that is to say:

"I do solemnly swear and declare (or, affirm, as the case may be) that I am a citizen of the United States and of the age of twenty-one years, and have resided within this city for six months last past and paid taxes within the same, or, that I am possessed of a freehold, or, have rented a tenement of the yearly value of five dollars for the term of one year within the same, or, that I was born within the said city and now actually reside within the ward of this city, and have not been before polled at this election."

Electors' oath

And that it shall be lawful for the voters at every such election to choose two constables for each of the said wards; and that if any person offering to vote as aforesaid shall refuse to take the oath or affirmation above prescribed to be by him taken, when thereunto required by the aldermen presiding at such election, his vote shall be rejected and disallowed, any charter, law, usage or custom to the contrary notwithstanding.

Two constables to be chosen for each ward.

IV. *And be it further enacted*, That if any of the aldermen or other officers of the said city, chosen as aforesaid, shall die or remove out of the said city before the expiration of the time for which he was chosen to serve in any such office, or shall not be legally qualified to serve in such office, then and in every such case such office shall be deemed to be vacant, and the said mayor, aldermen and commonalty in common council convened, shall and may order an election to be held to fill every such vacancy, and appoint a place in the ward for which such election is to be held, and a time, not less than five days after the making of such appointment, for holding such election, and shall forthwith give notice thereof to the aldermen of the ward in which such vacancy shall happen, and the said aldermen shall thereupon by advertisements put up in at least three of the most public places in such ward, give notice thereof to the electors of the ward.

When certain offices shall be deemed to be vacant.

How elections to be held to supply such vacancies.

V. *And be it further enacted*, That it shall be lawful, as often as the mayor of the said city shall be sick, die or be absent therefrom, for the recorder of the said city to convene and hold the common council of the said city in like manner as the mayor of the said city is empowered to convene and hold the same.

In the absence &c. of the mayor, the recorder may act in his stead.

VI. *And be it further enacted*, That in case the city-hall of the said city shall at any time be destroyed, or it shall in any wise become inconvenient for the common council to assemble there, it shall be lawful for the mayor

When the common council may be held at a place different from the city-hall.

or recorder of the said city to convene the said common council at such other place within the said city as the said mayor or recorder shall appoint.

Firemen.

VII. *And be it further enacted,* That it shall be lawful for the common council from time to time to appoint, during their pleasure, a competent number of able and reputable inhabitants of the said city, being citizens, to take the care and management of the fire-engines and other tools and implements which are or may be procured by the common council for extinguishing fires within the said city ; and that the persons so appointed shall be called "*The firemen of the city of Albany,*" and be ready at all times with the said engines, tools and implements committed to their care, to aid in extinguishing any fire which may happen within the said city ; and that the said firemen shall be and hereby are declared to be exempted and privileged from serving in the office of commissioner or overseer of the highways or constable, and from militia duty, except in cases of invasion or other imminent danger, and that for this purpose the name of each fireman to be appointed as aforesaid shall be registered and entered with the clerk of the common council of the said city, and his certificate shall be sufficient evidence in all courts and cases of such privilege and exemption ; *And further,* That it shall be lawful for the mayor, aldermen and commonalty of the said city in common council convened, or the major part of them, to remove and displace all or any of the firemen now appointed, or to be appointed by virtue of this act, as often as they shall think fit, and to appoint others in their stead.

Their duty.

And privileges.

Their names to be registered with the clerk.

May be removed.

Common council to make rules for their government.

VIII. *And be it further enacted,* That it shall be lawful for the mayor, aldermen and commonalty of the said city, or the major part of them, to make such rules and regulations for the government of the said firemen, in the using and frequent exercising the said fire-engines, and to impose such reasonable fines and forfeitures upon them or any of them for default of the duties and services thereby to be required of them, as the mayor, aldermen and commonalty of the same city, or the major part of them, shall from time to time think proper.

Duty of the sheriff, his deputies, constables and marshals in cases of fire.

IX. *And be it further enacted,* That upon the breaking out of any fire within the said city, the sheriff, deputy-sheriffs, constables and marshals, then being in the said city, upon due notice thereof, shall immediately repair to the place where such fire shall happen, with their staves and other badges of authority, and be aiding and assisting as well in the extinguishing of the said fires and causing the persons attending the same to work, as in preventing any goods or household furniture from being stolen at such fires ; and the officers aforesaid shall also give their utmost assistance to the inhabitants in removing and secur-

ing their said goods and furniture ; and in the execution of the duties required of them by this act, shall in all respects be obedient to the orders and directions of the mayor, recorder, aldermen and assistants of the said city, or such of them as shall from time to time be present at such fires.

X. *And be it further enacted,* That it shall be lawful for the mayor, aldermen and commonalty of the said city, if they shall deem it proper, to require the inhabitants or owners of houses and other buildings in the said city to provide themselves with such and so many fire-buckets, to be ready in their respective houses and other buildings for the purposes of extinguishing fires which may happen in the said city, and to impose such reasonable fines and forfeitures for every default or disobedience thereof, as the said mayor, aldermen and commonalty of the said city shall deem necessary.

Common council may require citizens to provide fire-buckets,

And impose penalties for neglect.

XI. *And be it further enacted,* That it shall be lawful for the common council of the said city from time to time to make such rules and orders for the better regulating and arranging with uniformity such new buildings as shall after the passing of this act be erected for habitations or for the purposes of trade and commerce within the said city ; and also for regulating and altering the streets, wharves and slips within the said city, in such manner as shall be most commodious for shipping and transportation ; and also to nominate and appoint one or more fit persons, being inhabitants of the said city, to be the surveyors of the buildings, streets, wharves and slips of the said city, whose duty it shall be to direct and see that all buildings, streets, wharves and slips, to be laid out or altered in the said city, be regulated with uniformity for the accommodation of habitations, shipping, trade and commerce, according to such rules and orders as by the common council of the said city shall be for that purpose made ; which said surveyors shall respectively, before they enter upon the duties of their said offices, take the following oath or affirmation, before the mayor or recorder, viz.

And make rules and orders to regulate buildings, streets, wharves and slips.

And to appoint surveyors thereof.

Their duty,

"I appointed a surveyor of the city of Albany, do swear (or, affirm, as the case may be) in the presence of Almighty God, that I will faithfully, truly and impartially execute the office of one of the surveyors of the same city."

And oath.

XII. *Provided always, and be it further enacted,* That no public buildings shall be erected in any of the streets of the city of Albany.

No public building to be erected in any street.

XIII. *And be it further enacted,* That it shall be lawful for the mayor, aldermen and commonalty of the said city to prevent the erecting any building that may encroach upon any street within the said city, and if in the doing thereof or in laying out any streets, wharves or slips, they shall require for such purposes the ground of any person,

Common council may prevent any encroachments upon any street.

If they shall require the ground of any person for streets, &c. how to proceed and make compensation therefor.

Payment or tender thereof conclusive against the owner.

Common council to order and regulate common sewers, and the pitching and paving of streets, &c.

Expenses thereof how to be estimated and paid.

they shall give notice thereof to the owner or parties interested therein, or to his or their agent or legal representative, and the said common council shall treat with such person for the same, and if any such person shall refuse to treat for such ground, it shall be lawful for the mayor or recorder and any two or more aldermen, by a precept under their hands and seals, to command the sheriff of the city and county of Albany, to impanel and return a jury, to appear before the mayor's court of the said city, at any term thereafter, not less than three weeks from the date of such precept, to inquire and assess the damages and recompence due to the owner or owners of such ground, and at the same time to summon the owner or owners of such ground, or his or their agent or legal representative, by notice to be left at his or their most usual place of abode, to appear before such mayor's court, on the day and at the place in such precept to be specified ; which jury, being first duly sworn faithfully and impartially to inquire into and assess the damages in question, and having viewed the premises, if necessary, shall inquire of and assess such damages and recompence as they shall under all the circumstances judge fit to be awarded to the owner or owners of such ground for their respective losses, according to their several interests and estates therein ; and the verdict of such jury and the judgment of the said mayor's court thereon, and the payment of the sum of money so awarded and adjudged to the owner or owners thereof, or tender and refusal thereof, shall be conclusive and binding against the said owner and owners, his and their respective heirs, executors, administrators and assigns, claiming any estate or interest of, in or to the same ground, and it shall thereupon be lawful for the said mayor, aldermen and commonalty, to cause the same ground to be converted to and used for the purposes aforesaid.

XIV. *And be it further enacted,* That it shall be lawful for the said mayor, aldermen and commonalty, to cause common sewers, drains and vaults to be made in any part of the said city, and to order and direct the pitching and paving the streets thereof, and the cutting into any drain or sewer, and the altering, amending, cleansing and scouring of any street, vault, sink or common sewer within the same city, and to cause to be made estimates of the expense of conforming to such regulations, and a just and equitable assessment thereof among the owners or occupants of all the houses and lots intended to be benefitted thereby, in proportion as nearly as may be to the advantages which each shall be deemed to acquire ; and the said common council shall appoint five disinterested freeholders to make every such estimate and assessment, who before they enter upon the execution of their trust, shall be duly sworn before the said mayor or recorder, to

make the said estimate and assessment fairly and impartially according to the best of their skill and judgment; and a certificate in writing of such estimate and assessment being returned to the said common council and ratified by them, shall be binding and conclusive upon the owners and occupants of such lots so to be assessed respectively, and such owners and occupants shall also be respectively liable upon demand to pay to such persons as shall be authorized by the said common council to receive the same, the sum at which such house or lot shall be so assessed, to be applied towards the making, altering, amending, pitching, paving, cleansing and scouring such streets, and making and repairing such vaults, drains and sewers as aforesaid; and in default of such payment or any part thereof, it shall be lawful for the mayor, recorder and aldermen of the same city, or any five of them, of whom the mayor or recorder always to be one, by warrant under their hands and seals, to levy the same by distress and sale of the goods and chattels of such owner or occupant refusing or neglecting to pay the same, rendering the overplus, if any, after deducting the charges of such distress and sale, to such owner or occupant or his legal representatives.

In default of payment how to be levied.

XV. *Provided always, and be it further enacted,* That nothing in this act contained shall affect any agreement between any landlord and tenant respecting the payment of any such charges, but they shall be answerable to each other in the same manner as if this act had never been made; *And further,* That if any money so to be assessed shall be paid by any person, when by agreement or by law the same ought to have been borne and paid by some other person, then it shall be lawful for the person paying the same to sue for and recover the same with interest and costs of suit, in any court having cognizance thereof, as so much money paid for the use of the person who ought to have paid the same; and the assessment aforesaid with proof of payment shall be conclusive evidence in such suit.

Nothing in this act to affect any agreement between landlord and tenant.

How such charges may be recovered from any other person who ought to pay the same.

XVI. *And be it further enacted,* That when the said mayor, aldermen and commonalty shall make a general regulation in any part of the said city for raising, reducing, levelling or fencing in any vacant lot or lots adjoining each other, it shall be lawful for the said mayor, aldermen and commonalty, in case the same shall not be complied with, to cause an estimate of the whole expense of conforming to such regulations with respect to each lot which the owner thereof shall refuse or neglect to put in the order thereby required, to be made, assessed and certified for that purpose and sworn in manner aforesaid, and the same being approved by the said mayor, aldermen and commonalty, they shall cause the same to be advertised in two or more of the public newspapers printed in the said city for six months, thereby requiring the owners of:

In case any general regulation relative to vacant lots be not complied with, an estimate of the expense shall be made & published;

And on default of payment lots to be sold for such time as will pay the same.

And the purchasers at the expiration thereof may remove any buildings, &c. by them erected thereon.

Surplus money to be returned to the owner.

If the monies assessed be insufficient a further assessment may be made.

If more than sufficient the excess to be returned to the owner.

Amount of every such assessment to be a lien on the lots assessed.

such lots respectively, to pay the sum at which the said lots shall be assessed to the chamberlain of the said city, and that if default shall be made in such payment such lot will be sold at public auction, at a day and place therein to be specified, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing the sum assessed on the same for the expense aforesaid ; and if notwithstanding such notice and demand the owner or owners shall refuse or neglect to pay such assessment with the charge of appraisement and advertisement, then it shall be lawful for the said mayor, aldermen and commonalty, to cause the said lot to be sold at public auction, for a term of years, for the purposes and in the manner expressed in the said advertisement, and to give a declaration of such sale to the purchaser thereof, under the common seal of the said city, and such purchaser, his executors, administrators and assigns, shall by virtue thereof and of this act lawfully hold and enjoy the same for his and their own proper use, against the owner or owners thereof, and all claiming under him or them, until his term therein shall be fully complete and ended, being at liberty to remove all the buildings and materials which he or they shall erect or place thereon, but leaving the ground in sufficient fence, and with the street or streets fronting the same in the order required by the said regulations ; *Provided always*, That if after defraying the actual expense of conforming any lot so to be sold for a term of years to the regulations aforesaid, and deducting all reasonable charges attending the same, a surplus of the purchase money shall remain in the hands of the chamberlain of the said city, the same shall forthwith be rendered to the owner or owners of such lot or lots respectively, or his or their legal representatives.

XVII. *And be it further enacted*, That if upon the completion of any such regulation as aforesaid, it shall appear to the mayor, aldermen and commonalty of the said city that a greater sum of money hath been *bona fide* expended in making such regulation than the sum estimated and collected as aforesaid, it shall then be lawful for the said mayor, aldermen and commonalty to cause a further assessment, equal to such excess, to be made and collected in manner aforesaid ; *And further*, That in case the sum actually expended shall be less than the sum expressed in such estimate and collected as aforesaid, the surplus shall be forthwith returned to the persons from whom the same were collected, or their legal representatives.

XVIII. *And be it further enacted*, That the amount of every estimate and assessment to be made as aforesaid, shall be and remain a lien on the lot or lots so estimated from the time of the completion and return of such estimate in manner aforesaid, until paid or otherwise satis-

sed; and that it shall be lawful for the said mayor, aldermen and commonalty, instead of the remedy herein above provided, if they shall see fit in case any owner or occupant of any lot within the said city shall neglect or refuse to conform his lot to such regulations as aforesaid to conform the same to such regulations at their own expense, and to sue for and recover the amount of that expense from the owners of such lots or their legal representatives, with interest and costs, in any court within this state having cognizance thereof, in an action on the case, for so much money by them paid, laid out and expended for such owners; and the said estimate or assessment, with proof of the amount and payment of the said expense, shall be conclusive evidence for the plaintiffs in every such action; *And further*, That it shall be lawful for the said mayor, aldermen and commonalty, to sue for and recover in like manner, all such sums of money as they may have expended heretofore in consequence of any estimate or assessment made in the manner and for the purposes aforesaid or any of them.

XIX. *And be it further enacted*, That it shall be lawful for the said mayor, aldermen and commonalty, to make bye-laws, and inflict reasonable penalties to enforce the same, for regulating and keeping in repair the docks and slips within the said city, and to prevent the same and the river opposite thereto from being in any manner obstructed: *Provided*, That such bye-laws shall not contravene the constitution or any of the laws of this state.

Corporation may make bye-laws for regulating docks and slips.

XX. *And be it further enacted*, That it shall be lawful for the common council of the said city from time to time, to make such bye-laws as they shall deem necessary to keep in repair the streets, highways and bridges within such parts of the said city as may remain unpaved, and to inflict reasonable penalties to enforce such bye-laws.

And for other purposes.

XXI. *And be it further enacted*, That in all cases in which the said mayor, aldermen and commonalty shall deem it necessary to take any ground for the purpose of widening, straightening or laying out any street or streets within the said city, belonging to any person or persons whatsoever who shall or may reside without this state, or whose place of residence shall be unknown to them, it shall be lawful for the said mayor, aldermen and commonalty to give notice in the manner above mentioned with respect to owners and proprietors, to the occupant or occupants of such ground, and also to cause the like notice to be published eight weeks successively in the newspaper printed by the printer to this state and in one of the newspapers printed in the city of New-York; thereby requiring all the persons interested in such ground to appear before the said mayor, aldermen and commonalty, either in person or by attorney, at a certain day to be inserted in

When the corporation shall require any ground belonging to persons residing out of the state, how to proceed therein.

every such notice, not less than nine weeks from the date thereof, to treat for the sale of the said ground ; and in case the persons so interested shall not appear as aforesaid, or in case of disagreement between them and the said mayor, aldermen and commonalty, about the price of the said ground, it shall be lawful for the said mayor, aldermen and commonalty to proceed to ascertain the value of the said ground, and the damages that may arise to the persons so interested therein, in the manner prescribed by the thirteenth section of this act ; *Provided always*, That it shall be sufficient in such case to serve a notice of the time and place when and where the jury are to meet for that purpose on the occupant or occupants of such ground ; and in case the same should be vacant, to put up such notice in writing on some notorious part thereof, in the day time, at least eight days previous to the time of such meeting.

Damages to
be paid by the
corporation.

XXII. *And be it further enacted*, That after such value and damages shall have been ascertained in the manner aforesaid, the amount thereof shall be paid by the mayor, aldermen and commonalty of the said city to the person or persons entitled thereto, with lawful interest, on demand.

Buildings
within cer-
tain limits &
of certain di-
mensions to
be fire-proof.

XXIII. *And be it further enacted*, That it shall not be lawful for any person to build or erect any dwelling house, store, stable or other out-house within the following limits of the said city, to wit : Beginning at the east end of Kilby-lane and running thence through the middle of said lane to Cow-lane, thence through the middle of Cow-lane to Hudson-street, thence along the south side of Hudson-street to the west side of Washington-street, thence along the west side of the last mentioned street to Nail-street, then through Nail-street to the west side of Lodge-street, then along the west side of Lodge-street to Oak-street, then along the south side of Oak-street to the west side of Pearl-street, and then along the west side of Pearl-street to the north bounds of the city, then along the said north bounds to Hudson-river, then down the said river to a point opposite to the east end of Kilby-lane, and from thence to the place of beginning, including both sides of the aforesaid streets, within the limits aforesaid, exceeding the following dimensions, that is to say, thirty feet in depth from the range of the street on which such dwelling house, store, stable or other out-house shall adjoin, twenty feet in height from the surface of the stone wall which encloses the cellar, which stone wall shall not exceed two feet above the surface of the street adjoining the said dwelling house, store, stable or other out-house to the upper part of the wall plate thereof, and the roof whereof shall not be of an elevation exceeding five inches on every foot, measured horizontally between the exterior points of the rafters thereof, except such dwelling house, store, stable or other

out-house shall be made and constructed of stone, brick or timber faced with brick, with fire walls rising at least twelve inches above the roof, and covered with tile, tin or slate, or other safe materials against fire.

XXIV. *And be it further enacted*, That it shall be lawful to build and erect stables and other out-houses, in that part of the said city last before described, of any materials; *Provided*, That such stables shall not exceed eleven feet in height from the common surface of the earth to the top of the plates, and fourteen feet in the square, and that such out-houses shall not exceed eight feet in height from the common surface of the earth to the top of the plates, and eight feet in the square; *Provided always*, That all roofs of steeples, cupolas and spires of churches and other public buildings may be covered with boards and shingles, any thing in this act to the contrary notwithstanding.

But stables & out-houses, of certain dimensions may be built of any materials.

Provido, as to the roofs of steeples, cupolas and spires of churches, &c.

XXV. *And be it further enacted*, That if any dwelling house, store or other building shall be erected, constructed, covered or roofed contrary to this act, except as herein before excepted, the proprietor or proprietors thereof shall for every such offence forfeit and pay the sum of one hundred dollars, and the further sum of twenty-five dollars for every month such offence shall be and continue, and the workmen who shall build, construct, raise, erect or roof such dwelling house, store or other building contrary to this act, shall for every such offence forfeit and pay the sum of fifty dollars, to be recovered with costs of suit, in any court of record within this state, by any person who shall sue or prosecute for the same to effect; the one half thereof to the person so prosecuting, and the other half when recovered to the chamberlain of the said city, for the use of the poor thereof.

Penalties for offences in erecting buildings contrary to this act.

How to be recovered and applied.

XXVI. *And be it further enacted*, That whenever there shall be more than one market erected within the said city, it shall be lawful for the common council of the said city to grant an exclusive right, by contract or otherwise, to one or more persons to supply either of the said markets with every kind of meat; *Provided always*, That such exclusive right shall not endure for more than one year by virtue of any one contract, which time shall commence within six months from the date of every such contract.

When common council may contract for the exclusive right of supplying the market.

XXVII. *And be it further enacted*, That it shall be lawful for the common council of said city from time to time to prescribe the manner of licensing cartmen, and to regulate the cartmen and carts within the said city.

To license & regulate cartmen.

XXVIII. *And be it further enacted*, That it shall not be lawful for the overseers of the poor to make any allowance for more than eight days to any poor person whatsoever for his or her support or maintenance, without having previously obtained an order for that purpose

Proceedings relative to the poor of the said city.

from the common council of the said city ; and that it shall be lawful for the said common council from time to time, to make, establish and ordain such rules and regulations relative to the poor of the said city, as they shall deem necessary and expedient.

Common council to license persons to sell cakes and fruit.

Selling without such licence how punished.

XXIX. *And be it further enacted,* That it shall be lawful for the common council of the said city to license under their common seal and during their pleasure, such and so many persons as they shall judge to be proper, to carry about and vend all sorts of cakes and fruits within the said city ; *Subject nevertheless,* to such regulations and duties as the said common council shall from time to time prescribe ; *And further,* That in case any person shall without such licence carry about and vend any sort of cakes or fruit (other than the product of his own garden or orchard) within the said city, he shall be guilty of a misdemeanor, and on conviction thereof before the mayor or recorder and two aldermen of the said city, who are hereby empowered and required to try every such offender, shall for every offence be imprisoned in the common gaol of the city and county of Albany, for a term not less than twenty-four hours nor more than six days.

Penalties imposed by any bye-laws of the corporation how to be recovered and applied.

XXX. *And be it further enacted,* That all penalties which have been or shall hereafter be created by any bye-law of the common council of the said city, shall be sued for and recovered by and in the name of the chamberlain of the said city, for the use of the said city, with costs of suit before any one of the aldermen or any justice of the peace in and for the said city, in the same manner that debts to the value of twenty-five dollars or under are now recoverable against non-resident debtors ; *Provided always,* That there shall be no stay of execution after judgment rendered in any such suit under any pretence whatsoever.

City of Hudson.

THIRTEENTH SESSION. CHAP. XXIV.

An ACT for the better regulating and protecting the Aqueducts in the City of Hudson.

Passed 9th March, 1790.

Preamble.

WHEREAS the proprietors of the aqueducts in the city of Hudson, have by their petition represented their association for the purpose of supplying themselves and others with water, and that they have conducted the same from a fountain at a considerable distance and at a very great expense, the benefits whereof are likely to be

lost for want of adequate provisions made by law for the regulating and managing said aqueducts, and for obliging each proprietor thereof to bear and defray his proportionable part of the expenses attending such aqueducts, and in amending, superintending and managing the same : Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same;* That the mayor, aldermen and commonalty of the city of Hudson for the time being, in common council convened, shall and may (whenever applied thereunto for the purpose by the said proprietors of the said aqueducts or by a majority of them) have power to make, ordain and declare all such bye-laws, ordinances, constitutions, rules and regulations relative to such aqueducts as the said common council may deem proper for the superintendence, regulation and management of the same, and for the extension, alteration, preservation and reparation thereof, or for the equal assessment and collection amongst the said proprietors of all costs and expenses attending the same, or of the sums of money which the said proprietors may, from time to time hereafter vote agreeably to this act.

Corporation
of Hudson to
make bye-
laws relative
to aqueducts

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the proprietors of the said aqueducts hereafter, from time to time, to convene at such time and place within the said city, as the said mayor or recorder for the time being shall appoint, due notice of such time and place of meeting being first given by causing the same to be publicly advertised for the space of three weeks successively in a public newspaper to be printed in the said city, or by putting up such public notice thereof in at least four of the most public parts of the said city ; and at such meeting the said proprietors may, under the inspection of the said mayor or recorder, by a majority of voices, vote any sum or sums of money which they shall think fit to be assessed and levied on the said proprietors, in proportion to their respective rights or shares, to defray the expenses of the necessary alterations, additions and reparations of such aqueducts or the fountains thereof, or for the compensations to the clerk and treasurer, collector and inspectors hereafter mentioned, and also by a majority of voices or votes to elect one discreet person for their clerk and treasurer, one discreet person for their collector, and two or more discreet persons for inspectors of said aqueducts.

Proprietors to
meet and vote
sums to be
raised, and
choose officers

III. *And be it further enacted by the authority aforesaid,* That the said clerk and treasurer, collector and inspectors, when chosen in manner aforesaid, shall respectively before they enter upon their respective offices, take and subscribe before the said mayor or recorder, who are hereby author-

Officers to
take an oath

ised to administer the same, an oath well and faithfully to execute their respective trusts and offices according to the best of their skill and understanding ; which said clerk and treasurer, collector and inspectors, so elected and qualified, shall continue in their respective offices until others be duly chosen and qualified in their respective places.

Duties of the
inspectors ;

IV. *And be it further enacted by the authority aforesaid,* That the said inspectors so to be chosen and qualified as aforesaid, or a majority of them, shall have power and are hereby authorized and directed, from time to time to examine, inspect, superintend, manage and direct the said aqueducts, agreeable to such bye-laws, rules and ordinances as the said common council shall from time to time hereafter make and declare, touching the same or the management thereof ; and shall also have power to prosecute in their own names for all trespasses to be done or committed by any person or persons upon or against the said aqueducts, and to recover the amount of all damages occasioned by such trespasses, in any court having cognizance of the same, to the use of the said proprietors ; and shall meet and duly assess upon the proprietors aforesaid, all such sum or sums of money, costs and expenses so as aforesaid to be voted by the said proprietors ; and shall further do and perform all such duties as shall or may be lawfully committed to them by any law, rule or ordinance of the said common council.

Of the clerk
and treasurer ;

V. *And be it further enacted by the authority aforesaid,* That the said clerk and treasurer so to be chosen and qualified as aforesaid, shall as clerk of the said proprietors, keep the minutes of all the votes, resolutions and transactions of the said proprietors, at their meeting so to be held as prescribed by this act, in a proper book by him to be kept for such purpose ; and also that the said clerk and treasurer, as treasurer of the proprietors aforesaid, shall keep a book in which he shall fairly enter all receipts, advances and expenditures of all sums of money by him received, advanced or paid out, and likewise do and perform all other duties lawfully committed to him by any law, rule or ordinance to be made in pursuance of this act by the said common council.

Of the col-
lector.

VI. *And be it further enacted by the authority aforesaid,* That the collector so to be chosen and qualified as aforesaid for the said proprietors, shall collect all such taxes and sums of money so as aforesaid to be voted by the said proprietors, in pursuance of this act, agreeably to such tax-list or assessment roll as shall be made out by the inspectors as aforesaid, within three months after the same shall be delivered to him, and shall pay the monies so by him collected into the hands of the said treasurer ; and in case the proprietors aforesaid, or any of them, shall

refuse or neglect paying his, her or their proportion of such taxes within the time limited for such payment, then it shall be lawful for such collector to levy the same, by exposing and selling at public vendue, after giving eight weeks previous public notice thereof, the right or shares of such delinquent of, in or to the said aqueducts, rendering the overplus monies, if any, after deducting the costs and charges of such sale, to the owner or owners thereof.

VII. And to the end that the whole number of proprietors of the said aqueducts may always hereafter be known, and the number and proportion of their several rights or shares therein ascertainable with the greater ease and precision; *Be it enacted by the authority aforesaid*, That the said clerk and treasurer shall keep a proper book, in which he shall duly enter the names of all the proprietors of the said aqueducts, together with their several and respective rights or shares of, in or to the same, according to such bye-law or rule as the said common council shall or may hereafter prescribe or direct for such purpose; and shall also duly enter in the same book every transfer, lease or assignment made or hereafter to be made, of any right or share of, in or to the same aqueducts, according to such bye-law or rule as the said common council shall or may hereafter prescribe and direct for such purpose; which entry so to be made by the said clerk shall be deemed evidence of such transfer, lease or assignment, and no person shall be considered as a proprietor of the said aqueducts, after the space of six months from the passing of this act, until the evidence of his right or share shall be so registered as aforesaid, nor entitled to draw or use the waters from said aqueducts, by virtue of any title or claim not so registered as herein directed, without permission in writing under the hands of the said inspectors or a majority of them, conformable to the rules or directions to be prescribed by the said common council.

Further duties of the clerk and treasurer relative to entries and transfers.

VIII. *And be it further enacted by the authority aforesaid*, That all lawful agreements, votes and proceedings made, had or done, by the said proprietors, and entered upon their records, concerning the said aqueducts, shall be considered valid and obligatory among themselves, and binding upon all, each and every of them; and that all monies heretofore voted and expended about the said aqueducts shall after being duly assessed by the inspectors to be chosen in pursuance of this act, be recoverable in the same manner as before in this act is provided.

Proceedings by the proprietors declared valid.

IX. *And be it further enacted by the authority aforesaid*, That the said common council of the said city of Hudson, as often as they shall make, ordain and publish such laws, rules, ordinances and directions for the purposes aforesaid, in regard to the said aqueducts, or for the regulation, alteration, extension, reparation, inspection and manage-

Penalties how ordained and recovered.

ment thereof, may make, ordain, limit and provide such and the like pains, forfeitures, fines and penalties upon, towards and against all and every person or persons, who shall offend against such laws, rules, ordinances and directions, or any of them, as by the said common council shall be thought requisite, to make, ordain, limit and provide, for the observation and preservation of the same laws, rules, ordinances and directions, to be prosecuted for by the said inspectors and in their names, and recovered in any court of record having cognizance thereof, by action of debt or otherwise, to the use of the said proprietors, to be by them appropriated for the support and maintenance of the said aqueducts; *Provided*, no such pain, forfeiture, fine or penalty shall exceed the sum of five pounds; *And provided always*, That such bye-laws, ordinances, constitutions, rules or directions, be not contrary to or inconsistent with the constitution, laws and statutes of this state, or of the United States.

SEVENTEENTH SESSION. CHAP. XXI.

An ACT for the better extinguishing Fires in the City of Hudson.

Passed 19th March, 1794.

Firemen to be appointed.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the mayor, recorder, aldermen and commonalty of the city of Hudson in common council convened, or the major part of them, to nominate and appoint a sufficient number of men (willing to accept) not exceeding twenty, to every fire-engine now provided or hereafter to be provided for the use of said city, out of the inhabitants, being freeholders or freemen of the said city, to have the care, management, working and using the said fire-engines, and other the tools and instruments now or hereafter to be provided for extinguishing fires within the said city; which persons so to be nominated and appointed as aforesaid shall be called the firemen of the city of Hudson, who are hereby required to be ready at all times, as well by night as by day, to manage, work and use the said fire-engines, and other the tools and instruments aforesaid.

Their duty,

And privilege.

II. *And be it further enacted*, That each of the persons so to be nominated and appointed a fireman, shall during his continuance in office be exempted and privileged from serving in the office of constable, and from being impaneled upon any jury or inquest (except in the mayor's court of the said city) and for this purpose the name of each fireman to be appointed by virtue of this act shall be entered with the clerk of the said city, and

his certificate shall be sufficient evidence in all courts and elsewhere of such exemption and privilege ; *And further,* That the said mayor, recorder, aldermen and commonalty in common council convened, or the major part of them, shall have power from time to time to remove any firemen so to be appointed, and others to appoint in the stead of those removed when and as often as they shall think proper ; *And further,* That it shall be lawful for the said mayor, recorder, aldermen and commonalty, or the major part of them, in common council convened, to make, establish and ordain such rules and regulations for the government, duty and behaviour of the persons so to be appointed firemen as aforesaid, in the working and frequent using and trying the said fire-engines, tools and instruments, and to impose such reasonable fines and penalties upon such firemen, or any of them, for default in performing the duties thereby to be enjoined or required from them, as they from time to time may think proper.

May be removed.

Common council to make rules for their government.

III. *And be it further enacted,* That upon the breaking out of any fire within the said city, the marshal and constables then being in the said city, upon notice thereof, shall immediately repair to the place where such fire shall happen, with their staves and other badges of authority, and be aiding and assisting, as well in extinguishing the said fires as in preventing any goods from being stolen, and also in removing and securing the same ; and in the execution of the duties required of them by this act, shall in all respects be obedient to the mayor, recorder and aldermen of the said city, or such of them as shall be present at any such fires.

Duty of marshals and constables in case of fire.

IV. *And be it further enacted,* That it shall be lawful for the mayor, recorder, aldermen and commonalty of the said city, or a major part of them, in common council convened, to direct and require the inhabitants or owners of dwelling houses and other buildings in the said city, to provide themselves with such and so many fire-buckets, to be ready in such houses and buildings, for the purpose of extinguishing fires, and to impose such reasonable fines and penalties for disobedience thereof as they shall think proper.

Fire-buckets to be provided by the inhabitants.

TWENTY-FOURTH SESSION. CHAP. CXIV.

An ACT for raising Monies in the City of Hudson for the Support of a Night-Watch and to defray the Expense of the public Lamps of the said City.

Passed 2d April, 1801.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the may-

Common council of Hudson an-

authorized to
raise monies
for a night
watch,

Within cer-
tain limits.

How to be
levied and
collected.

Limitation of
this act.

or, recorder, aldermen and commonalty of the city of Hudson in common council convened, are hereby fully authorized and empowered to order the raising annually a sum, not exceeding in any one year six hundred and twenty-five dollars, by a tax on the real and personal estates of the freeholders and inhabitants in the said city of Hudson, within the limits following, to wit : Beginning at the river Hudson on the north line of the farm of Thomas Jenkins, which he bought of Jacob I. Van Hoesen, running easterly along the said north line to and across the main road, thence southerly along the easterly side of the said road to and across the road leading from the city of Hudson to the town of Claverack, thence westerly along the southerly side of the said last mentioned road to the house of Ezekiel Gilbert lately occupied by John Mandeville, from thence on a direct line to the mouth of Casawa-kill, thence northwest to the most westerly bounds of the said city, thence northerly and easterly to the place of beginning, for defraying the expense of maintaining a night-watch in the said city and of the public lamps therein, which monies shall be assessed on the estates of the several persons to be taxed for the same, and be levied and collected in the same manner as monies for the relief of the poor in the said city are by law directed to be levied and collected, and shall be paid to the chamberlain of the said city at such times as the said mayor, recorder, aldermen and commonalty shall annually for that purpose appoint.

II. *And be it further enacted*, That this act shall continue in force until the third day of April, in the year one thousand eight hundred and six.

C H A P. CXXVIII.

An ACT relative to the City of Hudson.

Passed 3d April, 1801.

Bounds of the
city of Hud-
son.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the district of country contained within the following limits, to wit : Beginning at the channel of the Hudson's river in the county of Columbia directly opposite the mouth of the creek commonly called Major Abraham's creek, thence to and up the middle of said creek to the place where the Claverack-creek empties into the said Major Abraham's creek, thence up along the middle of said Claverack-creek until the said Claverack-creek strikes the line of the manor of Livingston as now held and possessed, thence along the line of the said manor of Livingston to the east side of Hudson's river, thence into the said river one hundred and eighty feet below high water

3 Vol 236. 23. 471.
5 Vol 206. 307.

900 authorized
to commit to
city into
water to
then to Chamberlain

see 1 Vol 554. Sec 12

mark, thence to the place of beginning, keeping the same distance of one hundred and eighty feet all along from high water mark aforesaid, shall continue to be a city by the name of Hudson; and that all the freemen of this state, from time to time being inhabitants thereof, shall be a body corporate by the name of the mayor, recorder, aldermen and commonalty of the city of Hudson, and by that name they and their successors shall be known in law, and be capable of suing and being sued, and of defending in all courts of law and equity, and in all actions and matters whatsoever, and may have a common seal, and may change and alter the same at their pleasure, and by the same name shall be capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation; *Provided*, That such real estate shall be situated within the limits of the said city;

The inhabitants a body corporate, & style of the corporation.

To hold real and personal estate.

Provide.

And provided also, That it shall be lawful for every person within this state to have the free use of all the highways, roads and landing places within the limits of the said city, which before the twenty-second day of April, in the year one thousand seven hundred and eighty-five, were used as such without any toll or demand for the same or any interruption or alteration of the same, unless the consent of the commissioners of the highways of the town next adjoining the said city, whose inhabitants shall use any such road or highway, hath been or shall be first obtained for that purpose.

II. *And be it further enacted*, That there shall be the following officers in and for the said city, to wit: One mayor, one recorder, four aldermen, four assistants, one clerk, one chief marshal, one chamberlain, one supervisor, and as many assessors, collectors and constables as the common council for the said city herein after mentioned shall from time to time direct to be chosen.

Officers of the corporation.

III. *And be it further enacted*, That the person administering the government of this state by and with the advice and consent of the council of appointment, shall annually, during the session of the legislature, or at such time as the said council shall be assembled, next after the first day of May in every year, nominate and appoint, out of the inhabitants of the said city, the said mayor, recorder, clerk and chief marshal, who shall hold their offices during the pleasure of the said council and until others shall be appointed and sworn in their stead, but the said chief marshal shall not continue in his office for a longer period successively than the sheriffs of the several counties of this state; and it shall be the duty of the said chief marshal to execute all writs and process within the said city, which shall issue from the courts and magistrates thereof in and about the administration of justice therein, in the same manner as the sheriffs of the several cities

Mayor, recorder, clerk and chief marshal when to be appointed.

Duty of the chief marshal.

and counties of this state are by law authorized to do, and the said officers shall continue to be appointed as aforesaid until the legislature shall otherwise direct.

IV. *And be it further enacted,* That the freemen of the said city, being inhabitants thereof, shall on the first Tuesday of April in every year, at such time of the day and such place as the said mayor shall appoint, by a plurality of votes elect from among themselves for the ensuing year the said four aldermen, four assistants, one supervisor and such number of assessors, collectors and constables as the said common council shall direct as aforesaid.

V. *And be it further enacted,* That the mayor or recorder of the said city, together with two or more of the said aldermen and two or more of the said assistants, shall annually on the first Tuesday of April in their common council appoint a fit person, being a freeman and inhabitant of the said city, to be the chamberlain of the said city for the year ensuing; and that every person appointed or elected to any civil office within the said city shall within fifteen days thereafter take and subscribe the oath or affirmation, as the case may be, of abjuration or allegiance now or hereafter appointed by law, and also an oath or affirmation, as the case may be, for the faithful execution of the office to which he shall be so appointed or elected, *which oath he is to perform as it*

VI. *And be it further enacted,* That if any freeman and inhabitant of the said city shall be elected as aforesaid to the office of alderman, assistant, supervisor, assessor, collector or constable of the said city, and having notice thereof shall refuse or neglect to take upon himself such office, it shall be lawful for the mayor or recorder and any two or more of the aldermen and any two or more of the assistants of the said city in common council, to impose on every person so neglecting or refusing such reasonable fine as they shall think fit, not exceeding twenty-five dollars, and every such fine shall be levied by distress and sale of the goods and chattels of the delinquent, by warrant signed by the mayor and under the seal of the said city, together with the costs and charges of such distress and sale, rendering the surplus if any to the owner, or may be recovered by action of debt in any court within the said city having cognizance thereof, and shall be recovered and received by the said mayor, recorder, aldermen and commonalty for the use of the said city.

VII. *And be it further enacted,* That in case of the absence, sickness or death of the said mayor, the recorder of the said city shall be and hereby is authorized to do and perform all the duties and trusts appertaining to the said office of mayor.

VIII. *And be it further enacted,* That in case of the death or removal out of the said city of any of the alder-

Aldermen &
other officers
when & how
to be chosen.

*which election
shall be held*

yearly

at the residence

Chamberlain
how to be
appointed.

*not within 15 days
thereafter*

Officers to
make certain
oaths.

Neglect or
refusal to ac-
cept certain
offices how
punished by
law.

How to be re-
covered and
applied.

In the absence
&c. of the
mayor, recorder
to officiate.

In case of the
death or re-

And, assistants, supervisor, assessors, collectors or constables before others be elected in their stead, or in case any person elected to any of the said offices shall not be legally qualified to serve therein, it shall be lawful for the free men, being inhabitants of the said city, as often as may be necessary, to assemble together at such times and places as shall be appointed by the mayor for that purpose, and by plurality of votes to elect others in their stead, and in case of the death or removal of the chamberlain of the said city, it shall be lawful for the common council of the said city at any time to appoint another in his stead, and all persons so newly chosen or appointed and sworn shall serve in their respective offices until others be chosen or appointed and sworn in their stead.

removal of certain officers others to be chosen or appointed in their stead.

IX. *And be it further enacted*, That every chief marshal to be appointed as aforesaid shall before he enter upon the execution of his office become bound in the same manner and with the like sureties and under the like penalty for the faithful discharge of the duties of his office as the sheriff of the county of Columbia is or shall by law be required to be bound for the faithful execution of his office; and the said chamberlain, collectors and constables shall respectively give such security for the faithful discharge of the trusts reposed in them as the mayor, recorder and common council of the said city shall direct and require.

Chief marshal to give sureties.

Chamberlain, collectors and constables the like.

X. *And be it further enacted*, That the mayor, recorder, aldermen and assistants of the said city, whereof the mayor or recorder always to be one, shall be called the common council of the city of Hudson, and they of the major part of them shall have power to make bye-laws relative to the public markets within the said city, so as such bye-laws shall not extend to the regulating or ascertaining the price of any commodity or article of provision which may be brought for sale within the said city; relative to the streets and highways of the said city; relative to nuisances within the limits of the said city; relative to the cleaning of chimnies and protecting the city from fire; relative to the manner of warning the meetings of the said city and the common council thereof, and the time and place where they shall be holden; relative to a city watch; relative to bonds and securities to be given by constables, collectors, treasurers or any other officer of the said city for the faithful discharge of the duties of such office or offices; relative to the burial of the dead; relative to the public lights or lamps of the said city; relative to the restraining geese and swine going at large within the limits of the said city; relative to the overseeing of the poor; and relative to any thing whatsoever which may concern the good government and police of the said city; *Provided*, That such bye-laws be not

Common council how composed.

Empowered to make bye-laws.

landlord and tenant respecting the payment of any such charges or repairs, but that they shall be answerable to each other in like manner as if this act had never been made ; and that in case any money so to be assessed for the services aforesaid, shall be paid by any person when by agreement or by law the same ought to have been paid by some other person, then it shall be lawful for the person so paying the same and he is hereby empowered to sue for and recover the same with interest and costs of suit, in any court having cognizance of the same, as so much money paid for the use of the person for whose use the same shall have been paid.

When a further assessment shall be made and collected.

XIV. *And be it further enacted,* That if upon completing any regulations mentioned in the preceding section of this act, it shall appear to the said mayor, recorder, aldermen and commonalty of the said city that a greater sum of money has been *bona fide* expended in completing such regulation than the sum mentioned in the estimate so made as aforesaid and actually collected, it shall and may be lawful for the said common council to cause a further assessment to be made of the sum which such expenditures shall exceed the sum so estimated and collected as aforesaid, upon and among the owners or occupants of all the houses and lots of ground before assessed as aforesaid, and to cause the same to be collected in like manner as herein before directed ; and in case the sum actually expended shall be less than the sum expressed in such estimate and actually collected as aforesaid, the surplus shall be forthwith rendered to the respective person or persons from whom the same were so collected and received as aforesaid or to their legal representatives.

Surplus to be refunded.

Common council to regulate ferries.

XV. *And be it further enacted,* That the common council of the said city, or the major part of them, shall have power from time to time to establish, license and regulate so many ferries from the said city to the opposite or western shore of Hudson's river, for the carrying and transporting people, horses, cattle, goods and chattels across the said river, in such manner as to them shall appear most conducive to the public good ; *Provided always,* That nothing in this act contained shall be construed to deprive any person whatsoever of the possession or property of the soil on either shore of the said river, nor of any right of ferriage which any person now hath or hereafter may obtain across the said river.

And to establish markets.

Mayor to be clerk and water-bailiff.

XVI. *And be it further enacted,* That the said common council, or the major part of them, shall from time to time establish and keep one or more markets at such places within the said city as they shall appoint, on every day of the week, Sunday excepted, and the mayor of the said city shall *ex officio* be clerk of every such market and water-bailiff for the said city, and have power to execute the du-

ties appertaining to the said offices respectively ; and the said mayor with the advice of the said common council shall also have power to license and appoint for the said city by warrant under his hand and seal or otherwise, one or more porters, carriers, cartmen, packers, common carriers, scavengers, surveyors, measurers, gaugers, beadles, garblers, bellmen, watchmen, and bridewell keepers, or keepers of a house or houses of correction and alms-houses, and to discharge the same at pleasure.

Inferior officers how appointed,

XVII. *And be it further enacted,* That the said mayor, recorder, aldermen and commonalty shall have power to keep and maintain one or more bridewells or houses of correction, and work-houses, and to erect and build others, if necessary ; and the said mayor, recorder and aldermen, or any one of them, shall have power to take and arrest, or cause to be taken and arrested, all rogues, vagabonds, stragglers and idle and suspicious persons, and to order them or any of them to be confined at hard labour in any such work-house, not exceeding thirty days ; and the said mayor, recorder, aldermen and commonalty shall also have power to keep and maintain an alms-house for the relief of the poor, and to erect any other if necessary, and also shall have as full power to direct and regulate all the aforesaid houses, and persons to be placed or ordered there, as the corporation of any other city in this state are or may be authorized to do by law. — See Section 3. page 120

Corporation may erect houses of correction,

And an alms-house.

XVIII. *And be it further enacted,* That the said mayor, recorder, aldermen and commonalty shall keep and maintain one or more public gaols, at such place or places within the said city as the common council or the major part of them shall direct, for the imprisonment and safe keeping of all persons arrested or taken for any crime or misdemeanor, or for any other matter or cause, until they be thence delivered by due course of law, and that the said common council, or the major part of them, shall from time to time have power to appoint one or more fit persons to be the keeper or keepers of each of the said gaols, and every of the said keepers shall hold his office during the pleasure of the said common council, and shall receive and keep in such gaol all persons lawfully committed to his custody until they be thence delivered by due course of law, in the same manner as the sheriffs of the several counties of this state are bound to keep their prisoners in the like cases, and shall be liable for all escapes in like manner as the said sheriffs are or shall be liable by law ; *Provided,* That the gaol already established in the said city shall continue to be the gaol thereof, and the keeper or keepers thereof shall continue in office until otherwise directed by the said common council.

And shall keep one or more public gaols.

May be paid
no clerk
- salary as
un. commit
appoint

And appoint keepers.

Their duty.

See proposed proviso

Innskeepers
how licensed.

Sum which
may be re-
ceived for
each licence.

How to be ac-
counted for
and applied.

How monies
to be raised
to purchase
burying
grounds and
to erect pub-
lic buildings,
and for the
relief of the
poor.

Mr. Council
to be
Termin by resolution

Corporation
authorized to
raise a sum
annually for
two years for
incidental ex-
penses.

Clerk of the
city to be
clerk of the
mayor's court

All ministeri-
al officers of
the city to at-
tend the may-
or's court
when requir-
ed, &c.

XIX. *And be it further enacted,* That the mayor, recorder, aldermen and commonalty of the said city shall have power to grant licences annually under the public seal of the said city, to all such persons as they shall think fit to license to keep a tavern, inn, ordinary, or victualling-house, and to sell wine, brandy, rum, strong waters, cider, beer, ale or any other sort of exciseable or strong liquors within the said city by retail or small measure; and that it shall be lawful for the mayor, recorder, aldermen and commonalty of the said city to demand and receive for every such licence such sum of money, and such fee as the commissioners of excise in the several towns of this state are or shall be allowed to take, and shall annually file an account of the monies so received by them with the clerk of the said city, and apply the same to the relief of the poor of the said city.

XX. *And be it further enacted,* That it shall be lawful for the ~~freemen and inhabitants of the said city at their annual meetings for elections of officers, to vote any sum~~ or sums of monies to be raised which they may think proper and necessary for the purchasing any lot or lots of ground, within the limits of the said city, for the purpose of burying the dead, or for erecting a court-house and gaol, alms-house, work-house, or house of correction, or for the purpose of the support and relief of the poor within the limits of the said city.

XXI. *And be it further enacted,* That the mayor, recorder, aldermen and commonalty of the said city shall be and hereby are authorized, annually for the space of two years, to order the raising a sum not exceeding five hundred dollars in one year by a tax on the real and personal estates of the inhabitants of the said city residing within the limits designated in the thirteenth section of this act, for the purpose of defraying the incidental expenses attending the management and regulation of the police of the said city, which monies shall be levied and collected in like manner as monies for the support of the poor of the said city are directed to be levied and collected.

XXII. *And be it further enacted,* That the clerk of the said city shall be the clerk of the mayor's court of the said city, and perform all the duties of clerk of the said court, and be entitled to demand and receive all the fees and perquisites belonging to the said office.

XXIII. *And be it further enacted,* That the said clerk, marshals, constables, gaol keepers, and all other subordinate officers in and for the said city, shall attend the said mayor's court as often as shall be requisite, and obey and perform all the duties of their respective offices as well when required by the said mayor's court or any judge thereof, as otherwise, and the said marshal and other ministerial officers of the said city shall execute and re-

turn all the writs and process of the said court directed to them respectively in the same manner as the sheriffs and other officers of any court of record in this state.

XXIV. *And be it further enacted*, That every citizen of this state or any of the United States, who shall inhabit within the limits of the said city, and shall have resided therein for the space of four months successively, and continue to reside therein, and shall have paid any taxes in the said city, and not be disqualified by law, shall be entitled to all the rights and privileges of a freeman of the said city.

What shall entitle a person to the privileges of a freeman.

A next preceding the Day of Election

XXV. *And be it further enacted*, That this act shall be deemed a public act, and be construed in all courts and places benignly and favourably for every beneficial purpose therein intended.

This act declared a public one.

City of Schenectady.

TWENTY-FOURTH SESSION. CHAP. CXXXVII.

An ACT relative to the City of Schenectady.

Passed 4th April, 1801.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That all that district of country contained within the following limits, to wit: Beginning on the north bank of the Mohawk-river about four miles below the late village of Schenectady opposite the mouth of a small creek called Laughter's killitie where the east bounds of Schenectady patent comes to the said river, thence along the northerly, northeasterly, northwesterly, westerly, southerly and southeasterly bounds thereof to the north bounds of the manor of Rensselaerwyck, thence along the same easterly to the said easterly bounds of Schenectady, thence along the same northerly to the said Mohawk-river, and then with a straight line to the place of beginning, shall continue to be a city by the name of Schenectady; and that all the freemen of this state, from time to time being inhabitants thereof, shall be a body corporate by the name of the mayor, aldermen and commonalty of the city of Schenectady, and by that name they and their successors shall be known in law, and be capable of suing and being sued, and of defending in all courts of law and equity, and in all actions and matters whatsoever, and may have a common seal and alter the same at their pleasure, and shall be absolutely and completely vested with all the estate and interest of and in the common lands, tenements and hereditaments of the said city, not heretofore disposed of, and of all man-

Bounds of the city of Schenectady.

Inhabitants a body corporate and style of the corporation.

Their rights and powers.

ner of debts which now are or hereafter may be due and unpaid, and are made payable to any former trustees of the late township of Schenectady in the capacity of trustees thereof; *Provided however,* That nothing herein contained shall be construed to affect any suits which now are depending or which may hereafter become necessary for any purchaser to commence in the name of any former trustees of the late township of Schenectady, to try the title to or recover the possession of any land situated within the patent aforesaid, but the same may be prosecuted in the same manner as if this act had not been passed.

**Number of
wards and the
officers to be
chosen in each**

II. *And be it further enacted,* That the said city shall be divided into four wards, and the inhabitants of each ward shall have power to elect two aldermen and two assistants, together with all such officers as are by this act provided to be chosen, except the treasurer and clerk of the said city, which said election of aldermen and assistants and other officers shall be annually held in each of the said wards on the first Tuesday in April.

The city to have a mayor and other officers herein named.

III. *And be it further enacted,* That there shall be in and for the said city one mayor, who shall have the same power to take the acknowledgment and proof of deeds and other writings relating to lands situate within the said city as a judge of the court of common pleas in and for the county of Albany, eight aldermen, eight assistants, one clerk, one treasurer, one supervisor, and as many assessors, collectors, constables, commissioners of highways, overseers of the poor, pound-masters and fence-viewers, as the common council herein after constituted and appointed shall from time to time direct to be chosen, which supervisor, assessors, collectors, constables and other officers, so directed to be chosen, shall be chosen in the manner and at the time and place herein directed for the annual election of officers within the said city.

Mayer how appointed and duration of his office.

IV. And be it further enacted, That it shall be the duty of the person administering the government of this state by and with the advice and consent of the council of appointment, at such time as said council shall be assembled, to nominate and appoint, out of the citizens and inhabitants of said city of Schenectady, one fit and discreet person to be mayor of said city, which said mayor shall continue in his said office for the term of one year from such appointment, and until some other person be appointed and sworn in his stead.

Admirers, assistants and other officers how & when to be chosen.

V. And be it further enacted, That on the first Tuesday of April in every year the inhabitants of the said city shall assemble in their respective wards, at such time of the day and at such public places as the common council shall for that purpose at their meeting next previous to such election have appointed, and then and there by plurality of votes choose out of the inhabitants of said city residing

in their respective wards, for the ensuing year, two aldermen, two assistants, and such a number of assessors, collectors, constables, pound-masters, commissioners of highways, fence-viewers, and such other proper and necessary officers as the common council of the said city shall from time to time deem necessary and direct to be chosen.

VI. *And be it further enacted,* That all the inhabitants of said city qualified by the existing laws of this state to vote at town meetings, shall be entitled to vote for aldermen and assistants and all other officers at such time and place as is herein before directed.

Qualifications
of the electors

VII. *And be it further enacted,* That every person to be chosen alderman or assistant of the said city by virtue of this act shall be a freeholder within this state, or have hired a tenement of the yearly value of thirty dollars, and actually paid taxes in said city, and resided within said city at least one year before such election, and resident within their respective wards, and the votes given for said aldermen and assistants shall be by ballot; and at least eight days before the day of election annually to be holden by virtue of this act, the common council of said city shall appoint in each ward three persons, who shall preside as inspectors of said election, and such persons so appointed shall preside and canvass the ballots of such election, and declare the several officers who may have been chosen, and shall have power to decide on the qualification of electors, and shall provide and keep poll books wherein shall be entered the names of the persons who voted at such election.

Of the aldermen and assistants.

Elections
how conducted.

VIII. *And be it further enacted,* That each inspector before he enters upon the execution of the duties of his office, shall take and subscribe an oath faithfully to perform and execute the duty of an inspector according to the best of his knowledge and abilities, which oath shall be administered by any justice of the peace residing in the said city.

Inspectors to
take an oath.

IX. *And be it further enacted,* That the mayor, aldermen and assistants of the said city shall be called the common council of the city of Schenectady, who, or the major part of whom, whereof the mayor always to be one, shall have power and authority to pass such bye-laws and establish such wholesome regulations as by them from time to time shall be thought expedient the better to manage and secure their common property, and also power and authority to take bonds and sureties to be given by constables or any other officers of said city for the faithful discharge of the duties of their office, and also relative to the overseeing of the poor within said city. *Provided,* That such bye-laws be not contrary to or inconsistent with the constitution or laws of this state.

Common
council of said
city.

Their powers

4

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4 Sep. 3/3
Sec. V. D.
Those which
follow.
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1 Section 2. P. 4.
4 Sep. 2. 225
page 314.

Supervisor
when and
how to be
chosen.

X. *And be it further enacted,* That on the first Tuesday in April in every year, the inhabitants of the respective wards in said city qualified as herein before mentioned, when assembled for the purpose of electing the officers herein before mentioned, shall by ballot chuse one supervisor for said city for the year then ensuing, which said ballots shall by the inspectors of said election in the respective wards be sealed up and by them respectively delivered to the clerk of said city, who shall at the then next meeting of the common council of said city deliver the said ballots to the mayor, and the said common council shall then and there proceed to canvass and examine the said ballots, and the person who upon such canvass is found to have the greatest number of ballots shall by said common council be then and there declared to be supervisor, and such supervisor shall be vested with the same powers and duties as the respective supervisors of the city of Albany are by law vested with; *Provided,* That no such canvass or determination by said council shall be valid, unless at such meeting there be present at least two-thirds of all the members composing the common council of said city.

XI. *And be it further enacted,* That on the first Tuesday of May in every year the common council of said city shall nominate and appoint one fit person, being a freeholder and inhabitant of said city, to be treasurer of said city, and one other fit person to be clerk for the year then next ensuing; and the said treasurer before he shall enter on the execution of the duties of his office shall give bond with two sureties to be approved of by said common council in the sum of five thousand dollars, conditioned for the due execution of the duties of his said office and a faithful discharge of the trust reposed in him; and the said clerk before he enter on the exercise of the duties of his said office, shall make oath faithfully to perform, and truly to discharge the duties of his said office to the best of his knowledge and ability, without fraud, favour or partiality.

XII. *And be it further enacted,* That it shall be the duty of the clerk to provide and keep a book or books wherein shall be entered all the proceedings of the said common council from time to time, which books and proceedings shall be open at all proper times for the inspection of any of the inhabitants of the said city.

XIII. *And be it further enacted,* That the said common council shall meet on the first Tuesday in May in every year, and oftener if necessary, at which meetings every transaction relating to the common lands and property shall be determined by a plurality of votes of the members present, and no sale, lease, gift or disposition whatever of such common property shall be valid unless two-

See 8 Sec.

of Vol 3. page 21

Sec 34-

Ch. 225.

Sec. 1.

page 312

Repealed

by Ch. 225.

Sec. 34- Sec. 7.

His election
how ascer-
tained and
his powers
and duties.

Treasurer
and clerk how
appointed.

Treasurer to
give bond
with sureties.

Clerk to take
an oath.

His duty.

Meetings of
the common
council and
their mode of
proceeding
relative to
their com-
mon property

thirds of the whole number of aldermen and assistants of said city shall give their assent to the same, and to constitute a legal meeting for any other purpose there shall be present at least two-thirds of all the members composing the common council of said city, and in cases of emergency it shall be lawful for the mayor of the said city to call a meeting at other times than herein before provided.

XIV. *And be it further enacted,* That the mayor and each of the common council of the said city shall severally, before they enter on the discharge of the duties of their respective offices, take and subscribe the following oath or affirmation :

" I A B, do solemnly swear (or, affirm, as the case may be) that I will well, faithfully and truly execute the office of to which I am elected, (or, appointed) to the best of my ability, without fraud, favour or partiality."

XV. *And be it further enacted,* That in case of the absence, death, sickness or removal from office of the mayor, it shall be lawful for one of the aldermen of said city, to be nominated and appointed by the aldermen and assistants of said city in a meeting of said aldermen and assistants for that purpose to be convened, which meeting shall be summoned by writing under hand and seal of any two aldermen thereof, to execute all the duties to the office of said mayor appertaining, during the absence, sickness or removal from office of said mayor, or until a successor be duly appointed and sworn, except the taking of proofs and acknowledgments of conveyances as herein before mentioned.

XVI. *And be it further enacted,* That if any of the inhabitants of said city shall hereafter be chosen to the office of alderman, assistant, supervisor, assessor, collector, constable, commissioner of highways, pound-master or fence-viewer of said city, and having notice of his said election shall refuse or neglect to take upon him the execution of his office, it shall then be lawful for the common council of said city to impose upon every such person such reasonable fine as the said common council shall think fit, unless such person shall render to such common council a reasonable and satisfactory excuse before such order shall be made in the premises ; *Provided always,* That no such fine for such refusal or neglect shall exceed the sum of twelve dollars ; all which said fines shall be levied by distress and sale of the goods and chattels of such delinquent, by warrant under the seal of the said city, directed to one of the constables thereof and signed by the mayor, rendering the surplus, if any there be, to the owner thereof, the necessary and legal charges of making and selling such distress being first deducted ; which fines when collected shall be received by the common council for the benefit of said city.

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Third and
Fourth Wards
and by whom

Who shall
grant such
licences.

Sums to be
received for
the same.

XVII. *And be it further enacted*, That if any of the aldermen, assistants, supervisor, collector, or any other of the officers in said city to be elected and sworn in their respective offices as aforesaid, shall die or remove out of said city within the time they shall be respectively elected for, or before other fit persons be respectively elected and sworn in their places, it shall be lawful for the inhabitants of the ward in which such vacancy shall happen to assemble at such time and place as shall be appointed by the mayor of said city, and then and there by plurality of votes to elect one of the inhabitants of said city to serve as alderman, assistant, supervisor, assessor, collector or other officer, in the place of such officer so dying or removing; and in case of the death or removal of the treasurer or clerk of said city it shall be lawful for the common council to appoint another in their respective places at any time after such death or removal; and every such person so newly chosen or appointed and sworn shall serve in their respective offices until other fit persons be chosen or appointed and sworn in their respective places; *Provided always*, That such election for alderman, assistant or other officers upon any vacancy, shall be conducted agreeable to the mode herein before prescribed.

XVIII. *And be it further enacted*, That the mayor of the said city shall have the exclusive power within the First and Second Wards to grant licences annually, under the public seal of the said city, to all such persons as he shall think fit to keep a tavern, inn, ordinary or victualing-house, and to sell wine, brandy, rum, cider, beer, ale or any other sort of excisable or strong liquors within the said First and Second Wards respectively; and it shall be the duty of the mayor, aldermen and assistants of the said city annually to appoint a commissioner of excise in each of the Third and Fourth Wards of the said city, whose duty it shall be to grant all licences for keeping inns and taverns and retailing spiritous liquors in their respective wards, subject nevertheless to the approbation of the said mayor, aldermen and assistants, to be signified by affixing the common seal of the said city to every such licence at the time of granting the same; and it shall be lawful for the said mayor and commissioners of excise to demand and receive for every licence to be by them respectively granted as aforesaid, from the persons to whom the same shall be granted, the like sums as a duty of excise, and the same fees as are now receivable by the commissioners of excise within the several towns of this state; and the monies arising from the said duty of excise shall be paid to the treasurer of the said city, to be appropriated by the mayor and common council towards the support of the poor thereof.

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XIX. *And be it further enacted,* That the division of said city into wards shall be in the following manner, to wit: All that tract of country contained within the following bounds, beginning at the northwest corner of a lot of ground where the present dwelling house of Nicholas Van Patten stands, on the easterly bank of a branch of the Mohawk-river, thence along the northerly bounds of said lot to the street, thence along said street southerly until it comes opposite to the centre of the Nistigauna-street, thence along through the middle of said street and the road that leads from said village to Nistigauna aforesaid to the easterly bounds of the former town of Schenectady, thence along said bounds as they run to the Mohawk-river, thence along said river up the stream thereof as it winds and turns until it comes opposite to where the east bounds of said Schenectady patent comes to said river, thence with a straight line to the middle of said river, thence up the stream through the middle as it turns and winds until it comes about five chains above the upper ferry, and thence with a straight line to the place of beginning, shall be the First Ward of said city; and all that tract of country contained within the following limits, beginning at the northwest corner of the lot where the present dwelling house of Nicholas Van Patten stands, being also the place of beginning of the First Ward, on the easterly bank of a branch of the Mohawk-river, and runs thence along the same up stream to the mouth of a creek called the Church Mill-creek, thence up the said branch of the Mohawk-river eight chains, thence due east until it intersects a line running from the mouth of said Mill-creek south eight degrees east, then south eight degrees east to the southerly bounds of the patent of Schenectady, thence along the same southeasterly until it intersects the north bounds of the manor of Rensselaerwyck, thence along the same easterly to the easterly bounds of the former town of Schenectady, thence along the same as it runs to the road that leads from Schenectady to Nistigauna, being the southeasterly corner of the First Ward, thence along the same as it runs to the place of beginning, shall be the Second Ward of said city; and all that tract of country contained within the following limits, beginning at the northwest corner of the lot whereon the present dwelling house of Nicholas Van Patten stands, being the place of beginning of the First and Second Wards, and runs from thence along said Second Ward southerly to the southerly bounds of the patent of Schenectady, thence along the same southwesterly, northwesterly and northerly to the Mohawk-river, thence to the middle of the same, thence down the same as it winds and turns to the northwest corner of the First Ward about five chains above the upper ferry, thence along the said First Ward

Bounds of the
First Ward.

Of the Second
Ward.

Of the Third
Ward.

Of the Fourth
Ward.

southerly to the place of beginning, shall be the Third Ward of said city ; and all that tract of country contained within the following limits, beginning in the middle of said Mohawk-river where the easterly bounds of said Schenectady patent come to the river opposite the mouth of a certain small creek called Laughter's killitie, and runs thence along the said east bounds thereof to the northeast corner of said Schenectady patent, thence along the northerly, northeasterly, northwesterly and westerly bounds thereof to the said Mohawk-river, and thence along the middle thereof as it winds and turns to the place of beginning, shall be the Fourth Ward of said city.

Monies arising from the sales of lands, &c. how to be disposed of.

XX. *And be it further enacted*, That all monies which shall from time to time come into the treasury of the said city, arising from the sale of any lands or for rent, interest or otherwise, shall be annually divided and distributed in the manner following, that is to say : The one half of the whole sum shall be appropriated to public uses in the First and Second Wards of said city by the aldermen and assistants of the said two wards, or the major part of them, and the other half thereof shall be annually divided and distributed for public uses in the Third and Fourth Wards of said city in an equal proportion ; which said monies shall be so disposed of by the aldermen and assistants of the said Third and Fourth Wards, or the major part of them.

Aldermen and assistants annually to account to the common council.

XXI. *And be it further enacted*, That the aldermen and assistants of the said respective wards shall annually, at least fourteen days previous to the annual election for corporation officers within the said city, render a just and true account to the common council of the said city, of all monies by them received in manner and for the purposes aforesaid.

Mayor, and the aldermen and assistants of the First and Second Wards, to make bye-laws with respect to markets, streets, &c.

XXII. *And be it further enacted*, That it shall be lawful for the mayor of the said city, and the aldermen and assistants of the First and Second Wards of the said city, or the major part of them, whereof the mayor always to be one, to make bye-laws relative to the public markets within those wards, so that such bye-laws shall not extend to the regulating or ascertaining the price of any commodity or article of provision which may be brought for sale within the said limits ; and relative to the streets and highways, ~~nuisances, the cleaning of chimnies~~ and preventing of fire within the said limits ; and relative to a night-watch, the burial of the dead, the public lights or lamps, and restraining geese and swine going at large within the limits aforesaid, and relative to any thing whatsoever which may concern the good government and police of the said city, within the limits aforesaid ; *Provided*, That such bye-laws and regulations be not contrary to or inconsistent with the constitution and laws of this state ;

and the said mayor, aldermen and assistants of the said First and Second Wards, or the major part of them, whereof the mayor always to be one, as often as they shall make, ordain and publish such bye-laws for the purpose aforesaid, may make and provide such fines and penalties against every person who shall offend against such laws, or any of them, as by the said common council or the major part of them shall be thought requisite, the same to be prosecuted and recovered in any justice's court within the jurisdiction of said city which shall have cognizance of the same, by action of debt or otherwise, to the public use of the said mayor, aldermen and assistants of the city of Schenectady; *Provided*, That no such bye-law shall continue in force longer than for the term of one year.

And provide penalties against offenders.

How recovered and applied.

Continuance of bye-laws.

Mayor, &c. to appoint firemen within certain limits

XXIII. *And be it further enacted*, That it shall be lawful for the mayor, aldermen and assistants of the First and Second Wards of the said city to nominate and appoint out of the inhabitants of said city, residing and dwelling on the south side of the Mohawk-river, and not more than three quarters of a mile from the Dutch church, a sufficient number of able, discreet and sober men, not exceeding forty in number, being freeholders or freemen of said city, to have the care, management, working and using the fire-engines, and the tools and instruments now or hereafter to be provided for extinguishing fires within the said city, which persons so to be nominated and appointed shall be called The firemen of the city of Schenectady, who are hereby required to be ready at all times, as well by night as by day, to manage, work and use the said fire-engines, and other tools and instruments aforesaid.

Their duty;

XXIV. *And be it further enacted*, That each of the persons so to be nominated and appointed a fireman, shall during his continuance as one of the firemen, be exempted from serving in the office of constable and overseer of the highways, and from serving as juror, and from serving in the militia, except in cases of invasion or other imminent danger, and for this purpose the name of each fireman to be appointed shall be entered with the clerk of the said city; and his certificate shall be sufficient evidence in all courts and elsewhere of such exemption; *And further*, the said mayor, aldermen and assistants, or the major part of them, when convened shall have power from time to time to remove any fireman so to be appointed and others to appoint in their stead, and to make and ordain such rules and regulations for the government of the persons so to be appointed firemen, in the working and frequent using and trying the said fire-engines, tools and instruments, and to impose such reasonable fines and penalties upon such firemen, or any of them, for default in performing the duties thereby to be required from them, as they from time to time may think proper.

And privileges.

May be removed.

Rules for their government.

Penalties for default of duty.

34th in
page 344.
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Duty of the
marshal and
constables in
cases of fire.

XXV. *And be it further enacted*, That upon the breaking out of any fire within the said city, the marshal and constables then being in the said city, upon discovery or notice thereof, shall immediately repair to the place where such fire shall happen with their staves and other badges of authority, and be aiding and assisting as well in extinguishing the said fires as in preventing any goods from being stolen, and also in removing and securing the same, and in the execution of the duties required of them by this act shall in all respects be obedient to the mayor, aldermen and assistants of said city, or such of them as shall be present at any such fires.

Fire-buckets
how provided

XXVI. *And be it further enacted*, That it shall be lawful for the said mayor, aldermen and assistants, or the major part of them in common council convened, to direct and require the inhabitants or owners of dwelling houses and other buildings in the said city, within the limits aforesaid, to provide themselves with such and so many fire-buckets to be ready in such houses and buildings for the purpose of extinguishing fires, and to impose such reasonable fines and penalties for disobedience thereof as they may think proper.

Penalties for
neglect.

Annual sum
to be raised
within cer-
tain limits
for a night-
watch.

XXVII. *And be it further enacted*, That it shall be lawful for the mayor, aldermen and assistants aforesaid, annually to order the raising a sum not exceeding four hundred dollars, by a tax on the estates real and personal of all the freeholders and inhabitants living or dwelling in that part of said city which lies to the southward of the Mohawk-river, and not more than three quarters of a mile from the Dutch church, to be applied to the payment of so many watchmen as the said mayor, aldermen and assistants, or the major part of them, may think necessary for guarding the said city, which said sum shall be rated and assessed by the assessors of the First and Second Wards of said city, and levied and collected in the same manner as now are or hereafter may be by law directed for levying and collecting the tax for the maintenance of the poor and other contingent charges within the said city, and the said monies shall be paid into the hands of the treasurer of the said city, to be applied and disposed of from time to time in such manner for the purposes herein before mentioned, as the said mayor, aldermen and assistants, or the major part of them shall direct and appoint.

To be paid to
the treasurer
and how ap-
plied.

Common
council to
make bye-
laws to re-
strain horses,
&c. from run-
ning at large
on certain
grounds.

XXVIII. *And be it further enacted*, That it shall be lawful for the mayor, aldermen and commonalty of the said city in common council convened, from time to time to make such bye-laws as they may conceive necessary for restraining any horses, hogs, cows or any other cattle from running at large on the flats commonly called the Boyland, and the islands distinguished by the names of

Van Slyck's, Wemple's and Fonda's islands, lying within the bounds of the said city.

XXIX. *And be it further enacted,* That it shall be lawful for the freeholders and inhabitants of the Third and Fourth Wards of the said city at their annual meetings, to make such regulations respecting those wards as the freeholders and inhabitants of the several towns in this state are allowed by law to make; *Provided,* Such regulations be not contrary to or inconsistent with the powers vested in the corporation of the said city.

The inhabitants of the Third and Fourth Wards may make the like regulations as the inhabitants of towns.

XXX. *And be it further enacted,* That all the unimproved wood lands within the limits and bounds of the patent of Schenectady, not heretofore lawfully granted and conveyed, shall be and remain in common for timber and fuel for the use of the freeholders and inhabitants of the said city, and it shall not be lawful for the said mayor, aldermen and commonalty, or their successors, to demise, sell or convey any part of the last mentioned wood lands to any person whatsoever and every demise, sale and conveyance thereof by them shall be void.

The unimproved wood lands to remain in common.

XXXI. *And be it further enacted,* That this act shall be a public act, and be construed in all courts and places benignly and favourably for every beneficial purpose therein intended.

This a public act, and to be favourably expounded.

TENTH SESSION. CHAP. LXVI.

An ACT for the more effectual Punishment of Persons who shall be guilty of the Trespasses therein mentioned, in the Cities of New-York, Albany and Hudson, and the Township of Schenectady.

Passed 24th March, 1787.

WHEREAS evil minded persons have often broken, taken down or carried away the glass lamps hung out or fixed up before the dwelling houses of many of the inhabitants, and in the streets of the city of New-York, to illuminate the streets aforesaid, in the night time, or have extinguished the lights therein, and have also been guilty of breaking glass windows, porches and knockers of doors in the said city, and in the cities of Albany and Hudson and township of Schenectady, and of committing other trespasses and enormities, injurious to the property of the inhabitants and to the disturbance of the peace in the said respective cities and township: For prevention whereof in future,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That if any person shall, after the passing of this act, wilfully break, take down or carry away any glass lamp already hung or fixed, or hereafter

Penalty on persons breaking lamps.

to be so hung or fixed as aforesaid, in any of the streets of the said cities or township, or extinguish the lights therein, or be aiding or abetting in the same, or shall wilfully break or deface any glass window, porch, knocker or other fixture, in any of the said cities or township, and shall be thereof convicted before the mayor, recorder or any one of the aldermen of the said cities respectively, or before any justice of the peace residing in the township aforesaid, either by the confession of the party, or by the oath of one or more credible witness or witnesses, he or she, shall for every such offence, forfeit a sum not exceeding ten pounds lawful money of this state, to be recovered with costs, and levied by distress and sale of the goods and chattels of every such offender, by warrant under the hand and seal of such mayor, recorder, alderman or justice before whom such offender shall be convicted; one moiety of which forfeiture when recovered to be paid to the treasurer or chamberlain of the said cities respectively, for the time being, to be applied for the purposes of providing new lamps in the room of such as shall be so taken out or carried away, and for repairing such of them as shall be broken or injured as aforesaid, and for the support and maintenance of the poor of such respective cities or township where such offences shall be committed; and the other moiety of such forfeiture to be paid to the person or persons who shall prosecute for the same to effect.

How recovered
and applied.

On refusal to
pay, offender
to be imprisoned.

II. *And be it further enacted by the authority aforesaid,* That upon refusal of payment of such respective forfeiture or forfeitures, and want of sufficient distress whereon the same can be levied, it shall and may be lawful for such mayor, recorder, alderman or justice of the peace before whom such conviction or convictions shall take place, by warrant under his hand and seal, to commit every such offender, if convicted in the city of New-York, to the bridewell or house of employment of the said city, if convicted in the cities of Albany or Hudson, to the common gaol of the same cities respectively, and if convicted in the township of Schenectady aforesaid, to the common gaol of the city and county of Albany, there to remain without bail or mainprize for the space of two months, or until such forfeiture and costs are paid; and if any such offence shall be committed by any apprentice, servant or slave, such forfeiture shall be paid by his or her master, mistress or owner, or in default thereof such apprentice, servant or slave shall be committed to such bridewell or gaol in manner aforesaid.

Offenders unknown to be
detained till
morning.

III. *And whereas the mischiefs aforesaid are generally committed in the night time when the offenders cannot be easily known; in order, therefore, to carry this act into effect, Be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for any sheriff, de-

puty-sheriff, constable, marshal or watchman of the said cities and township aforesaid, who shall see any person commit any of the mischiefs or trespasses in either of the cities or the township aforesaid, if such person or persons shall be unknown to such sheriff, deputy-sheriff, constable, marshal or watchman, to seize, secure and detain such offender so unknown to him as aforesaid until he can discover the name of such offender, or until the next morning, if the offence shall be committed in the night time and the offender shall refuse to discover his or her name, when such offender shall be brought before the mayor, recorder or one of the aldermen of the said cities respectively, or justice of the peace residing in the township aforesaid, who on conviction of such offender, shall proceed against him or her in the manner herein before directed; *And further*, In case any person shall commit any or either of the offences aforesaid in the presence of any such sheriff, deputy-sheriff, constable, marshal or watchman, that then every such sheriff, deputy-sheriff, constable, marshal or watchman shall forthwith give information thereof to such mayor, recorder, alderman or justice of the peace, in order that such offender may be convicted thereof and punished in manner and form as by this act is directed.

IV. *And be it further enacted by the authority aforesaid*, That this act, or any thing herein contained, shall not bar or preclude any person or persons from recovering his, her or their damages against any other person or persons who shall be guilty of any of the mischiefs or trespasses aforesaid, but that the same may be recovered in the same manner as if this act had never been passed.

This act no bar to suits for damages.

V. *And be it further enacted by the authority aforesaid*, That every person who shall or may be present when any of the mischiefs or trespasses in this act mentioned shall be committed, shall be deemed to be guilty thereof, and be subject to the penalties inflicted by this act, although he or she shall not be aiding, abetting or assisting therein, unless such person shall give evidence whereby to convict the person or persons really guilty thereof, or unless he or she shall declare upon oath that he or she came there accidentally, and that he or she doth not know who the offender or offenders is or are.

Who are to be deemed guilty.

VI. And for the more easy discovery and detection of such offenders, *Be it further enacted by the authority aforesaid*, That if two or more persons shall have been jointly concerned in committing any of the offences aforesaid, and one or more of them (not being before informed against) shall within the space of one month after the offence committed inform against any or all the other or others concerned in the same offence, so as to convict him, her or them, the person so informing shall not be liable

Informer not fineable.

to the payment of the forfeiture herein before mentioned, but shall, notwithstanding his or her offence, be entitled to the reward herein before allowed to informers, any thing herein before contained to the contrary thereof in any wise notwithstanding,

Particular Districts.

FOURTEENTH SESSION. CHAP. IX.

An ACT for the Preservation of Heath-Hens and other Game.

Passed 15th February, 1791.

Penalties for
killing heath-
hens, &c. in
certain coun-
ties.

How recover-
ed & applied.

Provida.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That if any person or persons shall kill any heath-hen within the county of Suffolk or Queens, or shall kill any partridge, quail or woodcock within the county of Queens or Kings, or within the city and county of New-York, within the times herein after mentioned, That is to say, with respect to heath-hens, partridge and quail, between the first day of April and the fifth day of October, and with respect to woodcock, between the twentieth day of February and the first day of July in any year after the passing of this act (including nevertheless the present year) every such person or persons shall for every such offence, forfeit and pay the following sums, that is to say : For every heath-hen or partridge so killed, the sum of twenty shillings, and for every quail or woodcock so killed as aforesaid, the sum of five shillings, to be recovered with costs of suit by any person or persons who shall sue for the same, before any justice of the peace in either of the said counties who is hereby authorized and directed to hear and determine the same ; the one half of which forfeiture, when recovered, shall be paid to the person or persons who shall sue for the same, and the other half to the overseers of the poor where the conviction shall be had ; and if any heath-hen, partridge, quail or woodcock so killed as aforesaid shall be found in the possession of any person or persons, such person or persons shall be deemed guilty of the offence and suffer the penalty aforesaid ; *Provided always*, That no person or persons shall be convicted upon this act, unless the suit shall be commenced within three months after the offence committed.

II. *And be it further enacted by the authority aforesaid*, That all former acts and laws concerning heath-hens, shall be and hereby are repealed.

NINETEENTH SESSION. CHAP. LII.

An ACT relative to the common and undivided Lands and Meadows in Southold, in the County of Suffolk.

Passed the 8th of April, 1796.

WHEREAS the proprietors of the common and undivided land and meadows in Southold, by their petition to the legislature have requested legislative aid to enable them more advantageously to improve their said lands and meadows : Therefore,

Preamble.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall and may be lawful for the said proprietors to meet on the second Tuesday in April next, at the house of Moses Case, in Southold aforesaid, and annually thereafter on the second Tuesday in April, at such place as a majority of them shall direct, and at every such meeting the said proprietors, or a majority of them who shall be present, may make such prudential rules and regulations for the better improving and managing their said common and undivided lands and meadows as they shall judge proper, which rules and regulations shall be entered in a book to be provided for that purpose by a clerk to be chosen at every such meeting.

Proprietors to make regulations,

II. *And be it further enacted,* That the said proprietors at every such meeting may elect three trustees to have the superintendence and management of their said lands and meadows, according to such rules and regulations as aforesaid to be made at such meetings.

And elect trustees.

III. *And be it further enacted,* That the said trustees or a majority of them, or of the survivors of them, may sue for and recover for the use of the said proprietors, all such penalties as shall be made for the breach of the said rules and regulations so to be made as aforesaid ; *Provided always,* That no penalty for any one offence shall exceed the sum of three pounds.

Powers of the trustees.

IV. *And be it further enacted,* That the said trustees may call a special meeting of the said proprietors whenever they shall judge the same to be necessary, by advertising the same at three different meeting-houses in Southold aforesaid six days previous to the meeting, and the proceedings of such meeting shall be as good and valid as if they were done at the annual stated meetings as aforesaid.

Further powers of the same.

V. *And be it further enacted,* That the votes of the said proprietors at any such meeting as aforesaid, shall be counted according to the number of rights owned by each proprietor who shall vote at such meeting.

Votes how to be counted.

TWENTY-FOURTH SESSION. CHAP. XCIX.

An ACT to divide the County of Tioga into Jury Districts.

Passed 31st March, 1801.

Tioga county
to be divided
into two jury
districts.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the judges and assistant justices in the county of Tioga shall at their next term of the court of common pleas to be holden in and for the said county, on the first Tuesday of May next, divide the said county into two districts, as nearly equal as may be convenient, and shall cause the said division to be entered on the minutes of said court, which entry shall designate each of said districts.

Duty of the
clerk of said
county.

II. *And be it further enacted*, That the clerk of said county, shall immediately after the division of the said county in manner aforesaid, provide four jury boxes for said county, and shall mark on two of said boxes the name of one of the said districts, and on the remaining boxes the name of the other of the said districts; and it shall be the duty of the said clerk to put the slips of paper containing the names of persons residing in each of the said districts; who are or shall be returned to him in pursuance of the act, entitled *An act for regulating trials of issues and for returning able and sufficient jurors*, into one of the boxes belonging to the district in which such persons shall severally reside.

Jurors for the
trial of issues
in certain
courts how to
be taken.

III. *And be it further enacted*, That jurors for the trial of issues in the circuit court, court of oyer and terminer and gaol delivery, and court of common pleas and general sessions of the peace, to be held in and for said county of Tioga, at any time after the first Tuesday of May next, shall be taken from one of the jury boxes belonging to the district in which either of the said courts is then next to be held, in the manner directed in and by the act herein recited, and as if each of the said districts were separate and distinct counties, any thing in the said act to the contrary notwithstanding.

Courts in said
county where
to be held.

IV. *And be it further enacted*, That it shall be lawful for the courts of common pleas and general sessions of the peace for the county of Tioga, to hold the said courts at a house about to be erected for that purpose at Chenango-point, in the town of Chenango, in the said county of Tioga, instead of the house of Joshua Whitney in the town of Union, and at the court-house at Newtown alternately.

C H A P. CIX.

An ACT to preserve the Grass and Timber on certain Beaches and Islands in the County of Suffolk.

Passed 2d of April, 1801.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That if any person shall set fire to or burn the old grass, or cut any of the timber on any of the beaches or islands lying between Mastic West-inlet and Long-cove in the town of Brookhaven, every such person shall forfeit and pay for every such offence twelve dollars and fifty cents with costs, to any person who will sue for and recover the same, before any justice of the peace, to his own proper use; and if any sheep or hogs shall be suffered to run or feed on any of the said beaches or islands, it shall be lawful for any person to take and keep such sheep or hogs as his own absolute property.

Penalty on persons setting fire to grass or cutting timber on certain beaches and islands in Brookhaven.

Sheep & hogs running at large on the same to become the property of the person who takes them.

II. *And be it further enacted,* That if any horses or neat cattle shall be found on the aforesaid beach or islands, the owner or owners thereof shall forfeit and pay to any person who shall take and keep the same five dollars for each horse or neat beast so found; and in case no person shall appear and pay the said sum within forty-eight hours after such horses or neat cattle shall be so taken, the person taking the same shall advertise them in two or more public places in the town of Brookhaven at least six days, and at the expiration thereof, shall sell the same at public vendue, and out of the monies arising therefrom may retain in his hands five dollars with the costs not exceeding seventy-five cents, and shall return the overplus money, if any there be, to the owner or owners thereof; *Provided,* That nothing in this act contained shall be construed so as to prevent any person or persons from carrying on, using and feeding so many oxen and horses on the said beach or islands as shall be necessary for carting and stacking their hay during the proper season of getting and securing thereof.

Penalty on suffering horses and neat cattle to run thereon.

If not paid within 48 hours such horses and cattle to be sold.

Provide.

C H A P. CXI.

An ACT to regulate Highways in the Counties of Suffolk, Queens, Kings and Richmond.

Passed 2d April, 1801.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the commissioners of the highways, to be elected or appointed in each of the several towns in the counties of Suffolk, Kings and Queens, are hereby authorized to regulate the roads already laid out, and to lay out such other public

Commissioners of highways in the counties of Suffolk, Kings and Queens to lay out and regulate roads.

Y add any other local regulations as to other Counties

Proviso, that roads be not laid out over private property without satisfying the owner.

Roads for private use to be laid out at the expense of the individual accommodated.

Commissioners authorized to alter roads over private property, and to agree with the owners thereof.

Roads in their respective towns as to them or the major part of them shall seem necessary and convenient, and if need be from time to time to take a view of the roads before laid out in their respective towns, and to alter such of the said roads as shall appear to be inconvenient in such manner as they or the major part of them shall think proper, as well for travellers as for the inhabitants of such town and the adjacent towns, and to close such roads in the respective towns as shall appear to them, or the major part of them, to be unnecessary ; *Provided always,* That it shall not be lawful for the said commissioners, or any of them, to lay out any road through any person's land, without either the consent of the owner thereof or paying him the true value of the land so laid out into a highway or road, with such damages as he shall sustain thereby ; and if any dispute shall arise concerning the value of the land or damages, the same shall be determined and the true value and damages set and appraised by two justices of the peace of the county, by the oath of twelve freeholders of the county not having any interest in the land about which such dispute shall arise, the said freeholders to be summoned by the sheriff by virtue of a warrant to be issued by the said two justices for that purpose ; and in all cases of public highways so laid out or altered as aforesaid, the value of the lands and damages together with the charges of the commissioners, and the charges of summoning the jury and of their verdict, and of the whole proceedings had thereon, shall be raised in the town where such highway shall be laid out, and be levied and paid in like manner as the other contingent charges of the county, and the highways so laid out shall be a common and public highway ; but if the road so laid out or altered be for the private use and benefit of any particular person or persons, then the value of the land, damages and charges aforesaid shall be paid by the person or persons who desire the same to be laid out or altered, and such road shall be for the only proper use of such person and persons, and his and their heirs and assigns who shall pay for the same, but the person through whose land such road shall be laid out, his heirs or assigns, shall not be debarred from crossing or using the same road.

II. *And be it further enacted,* That where any road hath been laid out contiguous to or through any person's land in any town in either of the said counties, and it shall appear to the commissioners of the same town, or the major part of them, that another road may be laid out through the same person's land, that would be more convenient as well for travellers as for the inhabitants of the same town, it shall and may be lawful for the said commissioners, or the major part of them, to agree with the owner or pro-

prietor of the same lands concerning the same, and to exchange the said road already laid out for another road to be laid out by the said commissioners through the said person's land ; which agreement shall be good and valid in the law, and the owner or proprietor of such land shall hold and enjoy the land where such former road was laid out to him and his heirs and assigns forever.

III. *And be it further enacted,* That the commissioners of every town in the said counties shall from time to time enter in writing all the highways and roads by them laid out, approved of, altered or closed, and subscribe the same in writing and cause it to be recorded in the town records or in the county records, and the several clerks are hereby required to record the same, and whatsoever the said commissioners shall do according to the powers given them by this act being so recorded shall be valid to every purpose.

Commissioners to cause the roads by them laid out or altered to be recorded.

IV. *And be it further enacted,* That all public highways to be laid out by virtue of this act in either of the said counties, shall not be less than three rods wide, and that all roads to be laid out at the request and for the use and benefit of any particular person or persons shall not be less than twenty feet, nor exceed two rods in breadth.

Width of the roads.

V. *And be it further enacted,* That where any road from any town or village or plantation in either of the said counties to any landing place, mill or meadow, shall run through any person's land, it shall be lawful for such person or persons by the approbation of the commissioners of such town, to place and have good easy swinging gates on such roads and keep them in good repair at his and their own proper costs ; but no roads leading into or out of any commons, where the cattle belonging to any town or village usually pass to and from such commons, shall be obstructed by any swinging gates or otherwise, without the consent of the inhabitants of the said town or village, or the major part of them, and the several gates already standing and allowed may be approved and continued or altered or removed as the commissioners shall from time to time judge most convenient, and all such roads shall be amended and maintained by the inhabitants of the place where such roads may run.

Swinging gates on what roads and by whom to be erected.

VI. *And be it further enacted,* That if any person shall alter, close, lessen or obstruct any highway or road already laid out, or hereafter to be laid out according to law, in either of the said counties, without the consent of the commissioners, every such person shall for every such offence forfeit the sum of five dollars, to be recovered with costs before any justice of the peace upon the oath of any one credible witness, and levied of the goods and chattels of the offender by warrant from such justice, directed to the constable of the town or place where such offence is com-

Penalty for altering or obstructing highways.

How recovered & applied.

mitted, and the constable shall pay the said forfeiture and costs to such justice, who shall pay the said forfeiture to the overseer of the highways of the place where the offence is committed, to be by him applied towards repairing the public highways in his district.

Compensation
of the com-
missioners.

VII. *And be it further enacted*, That each commissioner in each of the said counties shall have as a reward for his care and trouble, for every day he shall be employed in laying out or regulating highways and roads in the town for which he shall be chosen or appointed, the sum of seventy-five cents, and the commissioners of each town shall transmit their accounts to the supervisors of the county, who shall cause the sums they shall find to be due to the said commissioners, except in cases where they are to be paid by particular persons, to be raised in the town where they were chosen or appointed commissioners, together with the necessary and contingent charges of the county, and to be paid to the said commissioners.

Roads in these
counties by
whom and in
what manner
to be repaired.

VIII. *And be it further enacted*, That the freeholders and inhabitants of each town in the said counties shall clear, amend, repair and maintain the highways in the same town, and that every free male inhabitant, being above the age of twenty-one years, shall either in person or by an able and sufficient man in his room, be obliged to work upon the highways in the district or place where he shall reside, as often as the overseer of the highways of the same district or place shall direct, not exceeding six days in one year, and shall work faithfully at least eight hours in each day, and shall bring with him such team and such implements for the purpose as the said overseer of the highways shall from time to time direct and appoint; and if any person shall refuse or neglect to work upon the highways as aforesaid, he shall forfeit and pay to the overseer of the highways of the district or place where he shall reside nine cents for every hour he shall so refuse or neglect to work, and if the said penalty is not paid within six days after the same shall be incurred, it shall be levied with fifty cents costs by a warrant under the hand and seal of the said overseer of the highways, directed to one of the constables of the town where the neglect or refusal happens, and such constable shall levy the same by distress and sale of the goods and chattels of the offender, and pay the said penalty to the said overseer of the highways, with twelve and an half cents for the said warrant, and retain the other thirty-seven and an half cents for his fees, and the said penalty shall be applied by the said overseer of the highways towards amending and repairing the highways in the district; *Provided always*, That all male slaves in the county of Suffolk, above the age of sixteen years and under the age of sixty years, shall be obliged to work on the highways in the district

Penalty for
refusal and
how levied.

Slaves in Suf-
folk also to
work on high-
ways.

where they live when the overseer of the highways shall direct, not exceeding two days in a year, and the penalties for default or neglect shall be levied on the goods and chattels of the master or mistress of such slave.

IX. *And be it further enacted,* That a good and sufficient team with a cart, waggon, plough, sled, and a person to manage the same, shall be esteemed for and in lieu of three days work of one man, and the penalty for refusal or neglect shall be proportionable, and shall be levied and applied in the manner aforesaid.

Team with a cart, plough, &c. how estimated.

X. *And be it further enacted,* That the overseers of the highways of the respective districts in each of the towns in the said counties for which they shall be chosen or appointed, shall from time to time direct when, where and in what manner the highways and roads in their respective districts shall be cleared, amended and repaired, and oversee and direct how the same shall be done, and shall warn the inhabitants to work upon the highways whenever there shall be occasion.

Overseers of highways to direct the working of roads.

XI. *And be it further enacted,* That any justice of the peace in any town in either of the said counties may order the overseers of the highways of any district in such town, to cause the highways or roads in his district, or any part or parts of them, to be cleared, amended or repaired, whenever it shall appear to such justice to be necessary, and such overseer of the highways shall within eight days thereafter warn and set the inhabitants of such district, or such of them as shall not have worked the full number of days to work upon the said highways or roads, or such parts thereof as he shall be so ordered to clear, amend or repair; and if any overseer of the highways shall neglect or refuse to do so, he shall for every such neglect or refusal forfeit and pay the sum of five dollars, to be recovered with costs before any justice of the peace in the same county, upon the oath of any credible witness, and the said penalties when recovered shall be paid to the commissioners of highways of the same town, and be by them applied towards repairing of the highways in the same town.

Any justice of the peace to order the overseers to work the roads.

Penalty on overseer for refusal.

XII. *And be it further enacted,* That any overseer of highways in the several towns in the said counties may lawfully cut and use for improving the highways and bridges, any timber that may be found growing on the highways in any part of the town for which he is an overseer, and all such timber as shall not from time to time be so cut and used, shall be and remain the sole property of the owner of the land adjoining the said highways.

When timber may be cut for roads and bridges.

XIII. *And be it further enacted,* That the trustees of the freeholders and commonalty of the town of Southampton in the said county of Suffolk, may whenever they deem it necessary, inclose within fence the tract of land or

Trustees of Southampton may inclose Shenicoc-plains.

Provido as to
fwinging
gates.

Penalty for
leaving open
or injuring
them.

Trustees may
inclose Hog-
neck beach.

Penalty for
leaving open
or injuring
the gates or
fences.

Penalty for
injuring or
obstructing
any highways
or bridge, or
leaving un-
fences there-
on.

How recover-
ed & applied.

Regulations
when carria-
ges meet each
other in
Kings and
Queens.

plains called Shenicoc-plains within the said town, at such places as they shall deem most convenient; *Provided*, That the said trustees shall cause to be maintained on every public road running through the said plains so to be inclosed as aforesaid one or more good and sufficient swinging gates as may be necessary and convenient for the public; and whoever shall injure any fence so put up, or leave or fasten open, or injure or fasten up any gate so put up or provided as aforesaid, shall for every offence forfeit a sum not exceeding twelve dollars and fifty cents, to be recovered with costs before any justice of the peace, the one moiety whereof shall go to the overseers of the poor of the said town for the use of the poor thereof, and the other moiety to the person who shall sue for and recover the same; and the said trustees may also inclose the beach and meadows called Hog-neck beach, by fencing across the same at such places as they shall deem proper; *Provided however*, That they shall maintain sufficient gates at every place where they may fence across the said beach for travellers, teams and carriages, and if any person shall injure or leave open any of the said gates, or break down the fence adjoining the same, every such person shall for each offence forfeit and pay five dollars, to be recovered and applied as aforesaid.

XIV. *And be it further enacted*, That if any person shall wantonly damage any road, bridge or causeway, or fence across any road or highway in any of the said counties, or erect or set up any gate thereon, or put or leave in any of them any unnecessary obstruction, without leave of the said commissioners, or if any person shall leave the carcase of any beast or any broken carriage in any road or highway for any longer time than may be necessary to remove the same, or set up in or near any road or highway any thing by which horses are usually affrighted, or shall by any improper behaviour affright any horse or traveller on any road or highway, every such person shall for every such offence forfeit and pay to the overseer of the highways of the district where the offence shall be committed the sum of five dollars, to be recovered by the said overseers of the highways, with costs of suit, by action of debt, before any court having cognizance thereof, and when recovered shall be applied to the repairing and improving the roads or highways within such district in such manner as the overseer of the highways shall think best.

XV. *And be it further enacted*, That in all cases of persons meeting each other in carriages, waggons, carts or sleighs on any road or highway in Kings county, and all roads westward of the west end of Hempstead-plains, and westward of the town and village of Hempstead, or on the main road to the westward of the great plains in Queens county, those who are now going towards the city of New-

York shall give way to such as are going towards the said city, under the penalty of five dollars for every offence, to be recovered with costs of suit by any person who will sue for the same before any justice of the peace of the county where the offence is committed, the one half of which penalty shall be for the use of the person who shall prosecute for the same with effect, and the other half thereof shall be paid to the commissioners of the highways of the town where the offence was committed, and be by them applied towards the repair of the highways in the same town.

Penalty for disobedience.

XVI. *And be it further enacted*, That where any highway has been laid out by commissioners of any of the said counties and entered in the records of said county, or of any town, such record shall be good and lawful evidence of such highways, although it does not appear on said record that the said highway has been approved of by the court of sessions in said county, any former law to the contrary notwithstanding.

Former records of highways declared good evidence

XVII. *And be it further enacted*, That the freeholders and inhabitants of the county of Richmond are hereby authorized, at their annual town meetings for electing town officers, to elect three freeholders in each town to be commissioners for laying out and regulating highways, and also as many freeholders in each town as the majority of the freeholders and inhabitants then assembled shall think necessary, to be surveyors and overseers for the mending, repairing and keeping in order the several highways in the respective towns for which they shall be elected, and the persons so elected, as well as the commissioners who are to regulate and lay out highways, as those elected to be overseers and surveyors thereof, are hereby required to take the respective offices upon them, and in case of the death or removal of any of the commissioners or overseers aforesaid, it shall be lawful for two justices of the peace living in the town, and in case there should be but one, then the next justice to the said town, in conjunction with the justice in the town, to appoint some fit person to execute the office of commissioner or overseer, as the case may require, until a new election shall be made at the next annual town meeting, and every such commissioner or overseer so appointed as aforesaid shall have the same powers, and be liable to the same penalties as if chosen at such town meeting.

Inhabitants of Richmond county annually to elect commissioners and overseers of highways.

Two justices of the peace may supply vacancies.

XVIII. *And be it further enacted*, That when any new road is to be laid out in any town in the said county of Richmond, or any road already laid out requires to be altered, the commissioners for such town, or the major part of them, with one or more of the commissioners from each of the other towns in the said county, Richmond, are hereby authorized to lay out all such public roads or high-

Commissioners how to lay out and alter roads.

ways as they or the major part of them shall think necessary, and also to take a view of the roads already laid out ; and if any of them shall appear inconvenient and in their opinion an alteration absolutely necessary, they may alter the same and lay out such other public highways as they or the major part of them shall think convenient, and if they find upon view any of the above roads are lessened or blocked up, they may open the same to such width as they shall think proper, not exceeding three rods nor less than two, and if any of the roads lessened or blocked up as aforesaid shall run between the land of two persons and a dispute shall arise which of them hath encroached upon the road, the said commissioners shall hear their respective allegations and proofs, and give their judgment thereon as they or the major part of them shall think equitable and just, being first sworn in the words following, viz.

Now disputes relative to encroachments on the road to be settled.

Oath of commissioners who settle such disputes.

" You shall well and truly try this matter in dispute, between A B and C D, respecting the road running between them, and give a true judgment thereon according to evidence. So help you God."

Remedy of purchaser for lands lost by roads.

And shall open and lay out the said highway agreeable to their decision thereon, and when any roads so opened as aforesaid shall take away lands from any person which were actually measured to him as part of the land by him purchased, and which was before such sale laid out as a public road, the possessor of such lands shall have his remedy against the person or persons they respectively purchased from ; *Provided always*, That nothing in this act relating to the said county of Richmond shall extend or be construed to empower the commissioners aforesaid to lay out any road through the lands or meadows of any person, without paying to him or them the true value of the lands so to be laid out into a highway or road, with such damage as he shall sustain thereby ; and in case of public highways or roads, if any dispute shall arise respecting the value of the land or the necessity of laying out such road, the said commissioners shall in such case deliver all their proceedings signed by them, or a majority of them, to the supervisors of the said county of Richmond at their next meeting thereafter, who after examining the same and hearing the objections, if any, shall approve or reject the same, as it shall appear to them or the major part of them to be reasonable or necessary, and may agree with the owner or owners for the value of the land and damages, and if it shall happen that the supervisors shall be equally divided in their opinion, in that case they shall call to their assistance the treasurer of the said county, who agreeing with either side shall determine, and if the same be approved and confirmed, the said supervisors shall cause the same, with their proceedings thereon, to be entered in the

Commissioners to pay for lands taken for roads.

Disputes as to the value of such land or necessity of the road how settled

By the supervisors and treasurer of the county,

And by a jury of inquiry.

county records, and the county clerk is hereby required to enter the same, and the supervisors shall then endeavour to agree with the owner or owners of the lands respecting the value thereof, and the amount of damages, and if they cannot agree, the same shall then be determined and the true value set and appraised by the oath of twelve freeholders, not having any interest in the land, the said freeholders to be summoned by the sheriff of the said county of Richmond, by virtue of a warrant to be issued by any one justice of the peace of the said county, who shall attend at the time and place mentioned in the said warrant and swear the jury, and set with them upon hearing the parties and swear the witnesses, but shall not give his vote with the said jury in assessing the said value and damages; but if no controversy shall arise about the necessity of laying out such public highway, then the said commissioners shall report the same to the supervisors at their next meeting, and the said supervisors shall then endeavour to agree with the owner or owners of the land over which such highway shall be laid out, for the value of the land and damages, and if they cannot agree, the same shall be determined by a jury in the manner aforesaid, and in all cases of public highways so laid out or altered as aforesaid, the value of the lands and damages whether agreed on as aforesaid or assessed by a jury, together with the charges of the commissioners and of the jury, if there be a jury, and of the whole proceedings thereon had, shall be levied and paid in like manner as the other contingent charges of the county, and every highway so laid out shall be a common public highway; but if the road laid out be for the private use and benefit of any particular person or persons, then the said commissioners shall hear and determine all disputes concerning the necessity of such private road, and the value of the land, damages and charges aforesaid shall be paid by the person or persons who desire the same to be laid out, and the road to be for the only proper use of such person or persons, and their heirs and assigns, who shall pay for the same, and in case the person or persons applying for such private road cannot agree with the owner or owners of the land over which such private road shall go, respecting the value of the land and damages, then the same shall be assessed by a jury in the manner above directed; *Provided however*, That the person through whose land the road shall be so laid out, his heirs or assigns, shall not be debarred from crossing or using the said road.

Damages and costs how paid.

Private roads how determined, and damages thereby how paid.

Provida.

XIX. *And be it further enacted*, That if any person within the said county of Richmond shall alter, close or lessen, or shall wantonly damage any road, bridge or causeway, or fence across any road or highway in the said county, or erect or set up any gates thereon, or put or

Penalty for altering or obstructing any road or bridge, or leaving nuisances thereon.

How recover-
ed and applied

leave in any of them any unnecessary obstruction, without leave of the said commissioners, or if any person shall leave the carcase of any beast or any broken carriage in any road or highway for any longer time than may be necessary to remove the same, every such person shall for every such offence forfeit and pay to the overseers of the highways of the district where the offence shall be committed the sum of five dollars, to be recovered by the said overseer of the highways, with costs of suit before any justice of the peace, upon the oath of any one credible witness, and levied by warrant from any justice of the peace, directed to the constable of the town where such offence is committed, by distress of the goods and chattels of the offender; and the said constable, after six days notice shall be given by him of the time and place of sale, shall make sale thereof, and out of the product of such sale pay the said forfeiture and charges and return the overplus, if any there be, to the owner thereof, which said forfeiture of five dollars shall be applied by the overseer of the highways towards repairing the public roads or highways within the town where such forfeiture shall arise.

Width of
roads.

XX. *And be it further enacted*, That all common public roads or highways which shall be hereafter laid out by the aforesaid commissioners in the said county of Richmond, shall not exceed three rods in breadth, nor be less than two, and where any private road for the particular use and benefit of any person as aforesaid shall be laid out through the land or meadow of any person, it shall not exceed the breadth of twenty feet.

Roads how
and by whom
to be cleared
and repaired.

XXI. *And be it further enacted*, That the inhabitants of the towns in the said county of Richmond in which any public roads or highways do run, or shall be hereafter ascertained or laid out, shall clear and maintain the same by draining, banking, cutting or stubbing the brush, carrying off the stones, and also the limbs of trees hanging over the said roads to be lopped and carried off, or the trees cut down as the same may be necessary, and so often as they or any of them shall have notice from the respective surveyors or overseers of the highways, shall by themselves or servants clear, level and amend the highways in such place and manner as they shall be directed by the overseers or surveyors respectively, not exceeding six days in the year, nor less than four, and for each day every person shall neglect or refuse to work on the highways as aforesaid, he shall forfeit and pay to the overseer of the highways of the town where he shall reside the sum of seventy-five cents for every day he shall so refuse or neglect to work, and if the said penalty is not paid within six days after the same shall be incurred, it shall be levied with fifty cents costs by a warrant under the hand and seal of the said overseer of the highways, directed to one of the con-

Penalty for
neglect how
recovered
and applied.

stables of the town where the neglect or refusal happens, and such constable shall levy the same by distress and sale of the goods and chattels of the offender, and pay the said penalty to the said overseer of the highways with twelve and an half cents for the said warrant, and retain the other thirty-seven and an half cents for his fees, returning the overplus of such sales, if any there be, to the owner; and the said penalty shall be applied by the said overseer of the highways towards amending and repairing the highways in his district; *Provided always*, That every freeholder and inhabitant, whose real and personal property shall not exceed in value the sum of two hundred and fifty dollars, shall not be obliged to work on the said highways more than three days in every year.

Certain inhabitants not to work more than 3 days in one year.

XXII. *And be it further enacted*, That all trees that stand in the land of any person, through which any common public road or highway in the said county of Richmond is or may hereafter be laid out, shall be for the proper use of the owner or owners of the same, but the owner shall not hinder the public from making use of so much timber which is standing or laying on that road, as will amend and repair the highways or road running through that land, and if there should not be sufficient timber on the public roads to amend and repair the same, or should any other materials for that purpose be necessary, the overseers shall have power to purchase any of the aforesaid materials in the best and cheapest manner they can, and shall carry in their respective accounts to the supervisors, who shall add so much to the respective towns where the same did arise, and be by them raised in the same manner as the other contingent charges are raised and levied.

Timber for roads how procured.

XXIII. *And be it further enacted*, That where any highway from any plantation in the said county of Richmond to any meadow, mill or common landing-place, shall run through the land or meadow of any person, it shall be lawful for every such person by the approbation of the commissioners as aforesaid, to place and hang good and easy swinging gates on such highways, and keep them in good repair at his own proper costs, and the several gates already standing and allowed may be approved and continued or altered, as the commissioners shall judge most convenient.

Swinging gates on what roads to be erected and how repaired.

XXIV. *And be it further enacted*, That if the overseers of the roads and highways in the said county of Richmond shall require any team, cart or waggon, and a man to manage the same, the said team, cart or waggon shall be esteemed to be for and in lieu of three days work of a single man, and the fine proportionable; and every person when called to work on the roads, shall bring spades, axes

Teams, &c. how estimated.

Implement for working how supplied.

and other utensils as shall be directed and approved of by the surveyors and overseers of the highways respectively.

Roads to be
recorded.

XXV. *And be it further enacted*, That the commissioners in the said county of Richmond, or the majority of them, shall from time to time enter in writing all the highways or roads by them laid out, altered or closed, and sign the same and cause them to be entered on the county records, and the clerk is hereby directed to enter the same, unless in case of public roads where a dispute arises about the necessity of laying out such road, in which case the said commissioners are to return their said proceedings to the supervisors as is herein before directed, and whatsoever the said commissioners shall do according to the powers given them by this act, being so entered in the county record, shall be valid to every purpose.

Compensation
to the com-
missioners.

XXVI. *And be it further enacted*, That each commissioner in the said county of Richmond shall take and receive a sum not exceeding seventy-five cents for every day he shall be employed in laying out and regulating or opening highways as afore said, for his care and trouble in doing the business required by this act; and the said commissioners shall transmit their accounts to the supervisors of the said county at any of their stated meetings of the number of days they have respectively spent in doing the business required by this act, and the supervisors shall raise the same with the county tax, which shall be paid by the county treasurer to the commissioners and overseers upon a warrant from the supervisors as in other cases, except where the commissioners are paid by private persons as before directed.

How to be
raised.

Overseers to
warn persons
to work on
the road upon
the order of
any justice.

XXVII. *And be it further enacted*, That upon the order of any one justice of the peace the surveyors or overseers of the several towns in the said county of Richmond, shall within eight days thereafter, warn and set to work the respective inhabitants and persons liable to mend and repair the highways and roads which by law they are obliged to repair, and if any of the surveyors and overseers shall neglect or refuse to warn and set to work the inhabitants as afore said, and see the said highways and roads amended and repaired, such surveyor or overseer shall for every such neglect or refusal forfeit and pay the sum of five dollars, to be recovered before any one justice of the peace of the said county where such neglect or refusal shall happen, which fines shall be applied towards repairing the said highways in such town wherein such fine shall arise.

Penalty for
neglect.

Villages.

NINETEENTH SESSION. CHAP. LI.

An ACT to enable the Inhabitants of the old Town of Flatbush, to establish and regulate a Night-Watch, and for other Purposes therein mentioned.

Passed the 5th of April, 1796.

I. **B**E it enacted by the People of the State of New-York, *Directors of a night watch to be elected.* represented in Senate and Assembly, That it shall and may be lawful for the freeholders and inhabitants of that part of the town of Flatbush in Kings county, commonly called the old town of Flatbush, at the next annual town meeting, or at a special town meeting to be called for that purpose to be held in Flatbush aforesaid, and in every year thereafter at such annual town meeting, to choose by a majority of votes three freeholders residing in the said old town of Flatbush, to direct, order, establish and regulate a night-watch in the said old town of Flatbush, who shall be called and known by the name and style of The directors of the night-watch.

II. *And be it further enacted,* That it shall be lawful for the said directors being so elected as aforesaid to meet together, and being met, to order, establish and regulate a night-watch in the said old town of Flatbush, which watch shall consist of not more than six or less than three men, and an officer for each night, the said directors shall order such night-watch to be kept out of the inhabitants of the said old town of Flatbush, who shall and hereby are required and directed in their turns to keep watch and guard in such manner and at such times and places as the said directors shall order and direct. *Their duty.*

III. *And be it further enacted,* That it shall and may be lawful for the said directors, or any two of them, to make, establish and ordain such rules, orders and regulations for the government, conduct, duty and behaviour of the said watch and watchmen, and to impose such reasonable fines, penalties and forfeitures upon them or any of them, for default or neglect of the duties and services enjoined or required by such orders and regulations, as the said directors shall from time to time deem meet or convenient; *And power.* Provided always, That no greater fine, penalty or forfeiture shall be levied for any one offence than eight shillings for an officer, and six shillings on every watchman.

IV. *And be it further enacted,* That if any person shall after the passing of this act in the said old town of Flatbush, pull down, destroy or injure any fence made with pales or boards, or be aiding in the same, or shall wilfully break or deface any glass window, porch, knocker or other fixture in the said old town, and shall thereof be convicted before any justice of the peace in the said town or county, he or she for every such offence shall forfeit the sum of *Penalty for breaking fences, destroying windows, &c.*

five pounds, to be recovered with costs and levied by distress and sale of the goods and chattels of every such offender, one moiety of which forfeiture shall be paid into the hands of the said directors, for repairing the injury done or committed by such offender and for defraying the expenses of the night-watch, and the other moiety of such forfeiture to be paid to the person or persons who shall prosecute for the same to effect.

On refusal of
payment of
finder to be
committed.

V. *And be it further enacted*, That upon refusal of payment of such respective forfeiture or forfeitures, and want of sufficient goods and chattels whereon the same can be levied, it shall be lawful for such justice of the peace before whom such conviction or convictions shall take place, by warrant under his hand and seal to commit every such offender to the gaol of the said county, there to remain without bail or mainprize for the space of one month, and if any such offence shall be committed by any apprentice, servant or slave, such forfeiture shall be paid by his or her master, mistress or owner, or in default thereof such apprentice, servant or slave shall be committed to the said gaol in manner aforesaid.

TWENTIETH SESSION. CHAP. XLIX.

An ACT for the better extinguishing of Fires in the Town of Kingston, in the County of Ulster.

Passed 24th March, 1797.

Trustees to
appoint fire-
men.

I. **B**E *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the trustees of the freeholders and commonalty of the town of Kingston in the county of Ulster, or the major part of them, to nominate and appoint a sufficient number of men (willing to accept) residing within half a mile of the court-house, not exceeding twenty to every fire-engine now provided or hereafter to be provided for the use of the said town, to have the care, management, working and using the said fire-engines, and other tools and implements now or hereafter to be provided for extinguishing fires within the said town; which persons so to be nominated and appointed as aforesaid shall be called The firemen of the town of Kingston, who are hereby required to be ready at all fires, as well by night as by day, to manage, work and use the said fire-engines and other tools and implements aforesaid.

Privileges of
firemen.

II. *And be it further enacted*, That each of the persons so to be nominated and appointed a fireman, shall during his continuance in office, be exempted and privileged from serving in the office of constable, and from being impaneled upon any jury or inquest, and for this purpose the name of each fireman to be appointed by this act shall

He entered with the clerk of the said county, and his certificate shall be sufficient evidence in all courts and elsewhere of such exemption and privilege ; *And further*, That the said trustees or a majority of them shall have power from time to time to remove any fireman so to be appointed and others to appoint in the stead of those removed, when and as often as they shall think proper ; *And further*, That it shall be lawful for the said trustees or a majority of them to make, establish and ordain such rules and regulations for the government, duty and behaviour of the persons so to be appointed firemen as aforesaid, in the frequent working, using and trying the said fire-engines, tools and other implements, and to impose such reasonable fines and penalties upon such firemen or any of them for default in performing the duties thereby to be enjoined or required from them, as they from time to time may think proper, not exceeding the sum of five dollars for any one offence.

May be removed.

Trustees may ordain rules.

III. *And be it further enacted*, That upon the breaking out of any fire within the limits aforesaid, the trustees aforesaid and constables of the said town of Kingston then being in the limits as aforesaid, upon notice thereof shall immediately repair to the place where such fire shall happen with staves and such other badges of authority as shall be ordained by a majority of them to be worn, and be aiding and assisting as well in extinguishing the said fires as in preventing any goods from being stolen, and also in removing and securing the same : and in the execution of the duties required of them by this act, together with the justices of the peace if any shall be present, they are hereby authorized to command the assistance of all and every of the able bodied inhabitants within the limits aforesaid, whose duty it shall be to obey and execute all orders and directions of the justices and trustees aforesaid in extinguishing said fires, removing and securing of goods, providing water for the engines, and assisting the firemen in working the same.

Trustees and constables to attend on the breaking out of any fire.

IV. *And be it further enacted*, That it shall be lawful for the trustees aforesaid, or a major part of them, to direct and require the inhabitants or owners of dwelling houses and other buildings within the limits aforesaid, to provide themselves with such and so many fire-buckets, to be ready in such houses and buildings for the purpose of extinguishing fires, and to impose such reasonable fines and penalties for disobedience thereof as they shall think proper, not exceeding the sum of three dollars for each bucket.

Inhabitants to procure fire-buckets.

V. *And be it further enacted*, That all fines incurred and adjudged to be levied by the said trustees or a majority of them as aforesaid, shall be recovered by any one of the said trustees in his own name, before any justice of the

Fines how to be recovered and applied.

peace in the same county, with costs of suit, to be reported to the said board of trustees, and appropriated by a majority of them for the purpose of procuring and keeping in repair the fire-engines and other instruments necessary for the extinguishing of fires within the limits aforesaid.

C H A P. LXXXI.

An ACT for extinguishing Fires in the Village of Jamaica, in Queens County.

Passed 1st April, 1797.

Trustees of
the fire com-
pany annually
to be chosen.

L. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the proprietors of a certain fire-engine purchased by sundry inhabitants of the village of Jamaica, on the first Monday in May in every year, to choose not less than three nor more than five trustees, to be called The fire company of the village of Jamaica.

To appoint
firemen.

II. And be it further enacted, That the trustees so to be chosen as aforesaid, or the major part of them, shall have full power and authority to nominate and appoint a sufficient number of firemen (willing to accept) not exceeding thirteen, to have the care, management, working and using the said fire-engine and the other tools and implements to be provided for the extinguishing of fires within the said village, which persons so to be nominated and appointed as aforesaid shall be called The firemen of the village of Jamaica, who are hereby required to be ready at all fires, as well by night as by day, to manage, work and use the said fire-engine and other tools and implements aforesaid.

Firemen ex-
empted from
militia duty :

And may be
removed.

Rules to be
established for
their govern-
ment.

III. And be it further enacted, That each of the persons so to be nominated and appointed, shall during his continuance in office, be exempt from military duty, except in times of invasion or other imminent danger ; And further, That the said trustees, or a major part of them, shall have power from time to time to remove any firemen so to be appointed, and others to appoint in the room or stead of those so removed, when and as often as they shall think proper ; And further, That it shall be lawful for the said trustees, or a major part of them, to make, establish and ordain such rules and regulations for the government of the persons so to be appointed firemen, for the purpose of using, trying and working the said fire-engines, tools and implements, and to impose on them such reasonable fines and penalties, not exceeding five dollars for any one offence, upon such firemen or any of them, in not performing the duties hereby to be enjoined or required from them, as they from time to time may think proper.

IV. *And be it further enacted,* That all fines incurred by virtue of this act shall and may be recovered by any one of the trustees aforesaid, in his own name, before any justice of the peace in the said county, with costs of suit, to be reported to the said board of trustees, and appropriated by a majority of them for the purpose of procuring and keeping in repair the fire-engine and other implements necessary for the extinguishing of fires in the said village of Jamaica.

Fines how recovered and applied.

V. *And be it further enacted,* That it shall and may be lawful for the said trustees from time to time to appoint a clerk, who shall enter in a book to be kept for that purpose the names of the proprietors of the said fire-engine, and the names of the said trustees so from time to time to be chosen, and the names of the firemen to be by them from time to time appointed or removed, together with such rules and regulations as shall from time to time be made for the government of the persons so to be appointed firemen, which entries may be given in evidence in any trial for the recovery of any penalty which may be incurred by virtue of this act.

Clerk to be appointed and his duty.

C H A P. LXXXVIII.

An. ACT for the better extinguishing Fires in the Village of Catskill, in the County of Albany.

Passed 1st April, 1797.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the freeholders and inhabitants of the town of Catskill, having a right to vote at town meetings, and residing within the following limits, viz. Beginning at a store of Samuel Haight at the mouth of Vassen-kill where it enters into the Catskill-creek, thence following the said Catskill as it runs crossing the flats until it strikes the channel of the Hudson-river, then following the channel until it strikes the north point of the flats, then northerly until it strikes the Vassen-kill thirty chains above the store of the said Samuel Haight, then down the said kill to the place of beginning, to meet together at such place in the village of Catskill as the trustees hereafter directed to be chosen shall appoint, on the first Monday in May in every year, and then and there proceed to choose by ballot not less than three nor more than five trustees, to be called The trustees of the fire company in the village of Catskill.

Trustees of the fire company to be chosen annually.

II. *And be it further enacted,* That the said trustees to be chosen as aforesaid, or a major part of them, shall have full power and authority to nominate and appoint a sufficient number of firemen (willing to accept) not exceed-

Firemen to be appointed.

ing fourteen to each fire-engine now provided or hereafter to be provided for the use of the said village, out of the inhabitants being freeholders or persons renting tenements to the value of one hundred dollars per annum, to have the care, management, working and using the said fire-engines, and the other tools and instruments now or hereafter to be provided for the extinguishing fires within the said village, which persons so to be nominated and appointed shall be called The firemen of the village of Catskill, who are hereby required to be ready at all fires, as well by night as by day, to manage, work and use the said fire-engines and other tools and implements aforesaid.

Exempted
from certain
duties.

May be re-
moved.

Rules to be
established for
their govern-
ment.

Trustees and
constables to
attend on the
breaking out
of any fire.

III. *And be it further enacted*, That each person so to be nominated and appointed a fireman shall during his continuance in office be exempted and privileged from serving in the office of constable, and from being impaneled upon any jury or inquest (except in the justices courts within the said village) and for this purpose the name of each fireman to be appointed by virtue of this act shall be entered with the clerk of the town of Catskill, and his certificate shall be sufficient evidence in all courts and elsewhere of such exemption and privilege ; *And further*, That the said trustees, or a major part of them, shall have power from time to time to remove any firemen so to be appointed, and others to appoint in the stead of those removed when and as often as they shall think proper ; *And further*, that it shall be lawful for the said trustees or a major part of them, to make, establish and ordain such rules and regulations for the government, duty and behaviour of the persons so to be appointed firemen as aforesaid, in the working and frequent using and trying the said fire-engines, tools and instruments, and to impose such reasonable fines and penalties, not exceeding three dollars for any one offence, upon such firemen or any of them for default in not performing the duties hereby to be enjoined or required from them, as they from time to time may think proper.

IV. *And be it further enacted*, That upon the breaking out of any fire within the said village, that the trustees aforesaid, and the constables of the said town of Catskill, together with the justices of the peace then being present in said village, on notice thereof shall immediately repair to the place where such fire shall happen, with staves and such other badges of authority as shall be ordained by a majority of them to be worn, and be aiding and assisting as well in extinguishing the said fires as in preventing any goods from being stolen, and also in removing and securing the same, and in the execution of the duties required of them by this act ; and it shall be the duty of such justices of the peace if any shall be present, and they are hereby authorized to command the assistance of all and every

of the able bodied inhabitants of said village, whose duty it shall be to obey and execute all orders and directions of the trustees and magistrates aforesaid in extinguishing said fires, removing and securing of the goods, providing water for the engines, and assisting the firemen in working the same.

IV. *And be it further enacted*, That it shall be lawful for the trustees aforesaid, or a major part of them, to direct and require the inhabitants or owners of dwelling houses and other buildings in said village to provide themselves with such and so many fire-buckets, to be ready in such houses and buildings for the purpose of extinguishing fires, and to impose such reasonable fines and penalties for disobedience thereof as they shall think proper, not exceeding five dollars for each bucket which shall be neglected to be furnished as aforesaid.

Fire-buckets
to be furnish-
ed.

V. *And be it further enacted*, That all fines incurred and adjudged to be levied by the trustees aforesaid, shall be recovered by any one of the trustees aforesaid in his own name, before any justice of the peace in the same county with costs of suit, to be reported to said board of trustees, and appropriated by a majority of the same for the purpose of procuring and keeping in repair the fire-engines and other instruments necessary for the extinguishing fires in the said village of Catskill.

Fines how re-
covered and
applied.

TWENTY-FIRST SESSION. CHAP. LXXIX.

An ACT to vest certain Powers in the Freeholders and Inhabitants of the Village commonly known by the Name of Old Fort Schuyler.

Passed April 3d, 1798.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the district of country contained within the following bounds, to wit : Beginning at a point or place on the south side of the Mohawk-river where the division line between lot number ninety-seven and ninety-eight in Cosby's manor strikes the said river, thence running southerly in the said division line to a point in the same forty chains southerly of the great road leading to Fort Stanwix, thence east thirty-seven degrees south to the easterly line of the county of Oneida, thence northerly in the said county line to the Mohawk-river, thence westerly up the waters thereof to the place of beginning, shall hereafter be known and distinguished by the name of the village of Utica.

Boundaries of
the village of
Utica.

II. *And be it further enacted*, That all the freeholders and inhabitants qualified to vote at town meetings, who may reside within the aforesaid limits, may on the third Tuesday of May next, meet at some proper place to be appointed

Inhabitants
to choose five
trustees annu-
ally.

and notified to the inhabitants by any justice of the peace therein at least one week previous to the said third Tuesday, and then and there proceed to choose five freeholders, resident within said village, to be trustees thereof, who when chosen, shall possess the several powers and rights hereafter specified, and such justice shall preside at such meeting and declare the several persons having a majority of votes as duly chosen trustees, and on every third Tuesday in May, after the first election of trustees, there shall in like manner be a new election of trustees of said village, and the trustees for the time being shall perform the several duties herein required from such justice, in respect of notifying the meeting of the freeholders and inhabitants of the said village, and presiding at said election.

Trustees enabled to take grants of lands.

III. *And be it further enacted*, That the said trustees hereby appointed, and their successors, are hereby enabled to take a grant or grants, feoffment or feoffments, of any lands and tenements lying and being within the limits of the village of Utica aforesaid, as herein described, and to hold the same to them and their successors for ever in trust to and for the common use and benefit of the freeholders and inhabitants.

Inhabitants authorized to make and establish rules, orders, &c.

IV. *And be it further enacted*, That the said freeholders and inhabitants at their annual meetings, to be held as aforesaid, and at such other times in the year as the said trustees or a majority of them may think necessary to advertise for the purpose, shall be and they are hereby authorized and empowered from time to time to make, ordain, constitute and establish such prudential rules, orders and regulations, as a majority of such freeholders and inhabitants so assembled and having a right to vote shall judge necessary and convenient for the better improving of their common lands, and for ascertaining and directing the use and management thereof, and also to ordain and establish such prudential rules and orders relative to the cleaning and keeping in order and repair the common streets and highways in Utica aforesaid, and removing nuisances therefrom, and also to make and ordain rules and regulations proper to compel the housekeepers in Utica aforesaid to furnish themselves with a sufficient number of fire-buckets, and with necessary tools and implements for extinguishing of fires, and to impose such penalties on the offenders against such rules, orders and regulations, or any or either of them, as the majority of such freeholders and inhabitants so assembled shall from time to time deem proper, not exceeding five dollars for any one offence, to be recovered by the said trustees for the time being, in their own names, with costs of suit, for the use of the said freeholders and inhabitants, by action of debt, before any justice of the peace residing in the county of Oneida.

V. *And be it further enacted,* That the said trustees hereby to be appointed, and their successors, shall and may from time to time constitute and appoint one fit person to be a common clerk for the said freeholders and inhabitants, whose duty it shall be to record all rules, orders and regulations made by the freeholders and inhabitants at their meetings as aforesaid, in a proper book to be by him provided for such purpose, and also to do and perform all such matters and things as the said trustees or a majority of them shall lawfully from time to time by writing under their hands direct and appoint.

Trustees may appoint a clerk.

His duty.

VI. *And be it further enacted,* That it shall and may be lawful to and for the said trustees, or the major part of them, and they are hereby required, with all convenient speed, to elect, nominate and appoint a sufficient number of men, willing to accept, not exceeding fifteen in number, out of the inhabitants residing within the limits of Utica as aforesaid, to have the care, management, working and use of the fire-engine or engines, belonging or which may belong to the said freeholders and inhabitants, and also the tools and implements for extinguishing fires; and the said trustees, or the major part of them, are hereby authorized and empowered to remove or displace all or any of the firemen so as aforesaid to be elected, nominated and appointed, when and as often as they shall think fit, and others in their stead to elect, nominate and appoint, and also to make, establish and ordain such rules, orders and regulations for the government, conduct, duty and behaviour of such firemen, as to them shall appear necessary and proper.

Trustees to appoint firemen and ordain rules for their government.

VII. *And be it further enacted,* That it shall and may be lawful for the said owners of houses or lands, at their annual meeting for electing trustees, by a majority of voices, to determine what sum in the aggregate shall be raised, levied and collected from the said owners of houses or lands, and freeholders and inhabitants, resident within the said limits, for paving or other improvements on the highways therein, and to purchase a fire-engine; and thereupon the said trustees shall apportion the sum to be raised amongst the owners of houses or lands, and freeholders and inhabitants, in proportion to the advantages which they shall deem to result to each from any such repairs or improvements, and shall by their warrant appoint and authorize some proper person to levy and collect such sum so apportioned, who shall proceed in like manner in making such collection as collectors of the contingent expenses of the county are by law directed to proceed in, and shall be in like manner accountable to the said trustees as the collectors aforesaid are by law made accountable to the treasurers of the respective counties; *Provided always,* That such sum shall not in any one year

Inhabitants to determine what sums of money shall be raised.

Trustees to apportion the sum and appoint a collector.

Right of ap-
peal.

exceed the sum of three hundred dollars ; *And provided further*, That if any person shall conceive him or herself aggrieved by any such apportionment as aforesaid, it shall be lawful for such person to appeal from the determination of such trustees to any three justices of the peace residing in the town of Whitestown, giving notice to the said trustees, or a majority of them, of such appeal, and of the time and place for determining thereon by such justices, who shall hear the same, and do therein what to justice shall appertain.

TWENTY-THIRD SESSION. CHAP. LIV.

An ACT to vest certain Powers in the Freeholders and Inhabitants of the Village of Newburgh.

Passed 25th March, 1800.

Preamble.

WHEREAS it has been represented to the legislature by the inhabitants of the village of Newburgh, that the existing laws are inadequate to answer the end of enabling them to regulate their interior police : Therefore,

Bounds of the
village of
Newburgh.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the district of country contained within the following bounds, that is to say : Beginning at the mouth of a brook or creek called Chamber's creek, thence westerly along the said creek as it runs to the southwest corner of a tract of land commonly called the German patent, thence along the west line of the said tract of land to the north line of a tract of land commonly called the Glebe land, thence along the north line of the last mentioned tract of land easterly to the Hudson's river, and continuing the said course to the east bounds of the county of Orange, thence southerly along the east bounds of the said county until an east line from the mouth of Chamber's creek aforesaid shall intersect the last mentioned line, and thence to the place of beginning, shall hereafter be known and distinguished by the name of the village of Newburgh ; and the freeholders and inhabitants who are qualified to vote at the town meetings, who may from time to time reside within the aforesaid limits, may on the first Tuesday of May next, meet at some proper place to be appointed by any justice or justices of the peace within the said village, and notified to the inhabitants thereof at least one week previous to the said first Tuesday of May, and then and there proceed to elect seven discreet freeholders resident within the said village to be trustees thereof, who when chosen shall possess the several powers and rights herein after specified, and such justice or justices shall preside at such meeting

Trustees how
chosen.

and shall declare the several persons having the greatest number of votes as duly chosen trustees ; and on every first Tuesday of May after the first election of the trustees, there shall in like manner be a new election of trustees for the said village, and the trustees for the time being shall perform the several duties required from the said justice or justices in respect of notifying the meeting of the freeholders and inhabitants of the village, and presiding at such election.

II. *And be it further enacted*, That all the freeholders and inhabitants residing within the aforesaid limits be and they are hereby ordained, constituted and declared to be, from time to time and for ever hereafter, one body politic and corporate, in fact and in name, by the name of the trustees of the village of Newburgh ; and by that name they and their successors shall and may have perpetual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, complaints and causes whatsoever ; and that they and their successors may have a common seal, and may change and alter the same at pleasure, and shall be in law capable of purchasing, holding and conveying any estate, real or personal for the use of the said village, and of erecting public buildings, such as fire-engine-house or houses, of raising money by tax for erecting those public buildings, or making any other necessary repairs or improvements ; which money so to be raised shall be assessed upon the freeholders and inhabitants of the said village according to law, by not less than three, nor more than five judicious assessors, who shall be freeholders in said village, to be by the freeholders and inhabitants of the said village qualified to vote at town meetings chosen at their annual meetings, and collected by the collector of the corporation in like manner as the taxes of towns and counties are collected, by virtue of a warrant to him directed by a majority of the trustees ; *Provided nevertheless*, That no tax shall be levied, or monies raised, assessed or collected, for erecting such public buildings, or making any other necessary repairs or improvements, no purchase or sale of any real estate, no public buildings erected or disposed of without the consent of the freeholders and the legal voters of the said village, or the major part thereof, in open meeting, duly notified therein, assented to and voted.

Freeholders and inhabitants a body corporate, and style of the corporation.

Provida.

III. *And be it further enacted*, That it shall and may be lawful for the trustees of the said village, or the major part of them, by this act to be chosen, and for their successors in office for ever, from and after the first Tuesday in May next, to make, ordain, constitute and publish such prudential bye-laws, rules, and regulations as they from

Further powers of said trustees.

time to time shall deem meet and proper, and such in particular as are relative to public markets within the said village, relative to the streets, alleys and highways of the said village, and draining, filling up, paving, keeping in order and improving the same, relative to slaughter-houses and nuisances generally, relative to a town watch and lighting the streets of the said village, relative to the number of taverns or inns to be licensed in the said village, relative to the restraining geese, swine or cattle of any kind, relative to the better improving their common lands, relative to the inspection of weights and measures, relative to erecting and regulating hay scales, and relative to any thing whatsoever that may concern the public and good government of the said village ; but no such bye-laws shall extend to the regulating or ascertaining the prices of any commodities or articles of provision (except the article of bread) that may be offered for sale ; *Provided always*, That such bye-laws be not contrary to or inconsistent with the laws and statutes of this state or of the United States.

Proviso.

Expense of paving the streets how assessed and collected.

IV. *Provided always, and be it further enacted*, That any monies to be raised for paving any street or streets shall be assessed, levied and collected in a just and equitable manner, of and from the owners or occupants of all the houses and lots adjoining such street or streets so to be paved, in proportion as nearly as may be to the advantages which each shall be deemed to acquire respectively, any thing in this act to the contrary notwithstanding.

Fines how to be recovered.

V. *And be it further enacted*, That the said trustees, or the major part of them, as often as they shall make, ordain and publish any such bye-laws for the purposes aforesaid, may make, ordain, limit and provide such reasonable fines against the offenders of such laws as they may think proper, the same not exceeding twenty-five dollars for any one offence, to be prosecuted and recovered before any justice of the peace or court having cognizance of the same, with costs of suit, by the trustees, to and for the use of said corporation.

Trustees to regulate the sale of bread

VI. *And be it further enacted*, That it shall and may be lawful for the trustees of the said village of Newburgh, or the major part of them, and their successors, at any time after the first Tuesday in May next, to make, ordain, constitute and publish a bye-law, prohibiting any baker or other person within the aforesaid limits from selling any bread at any higher price or rate than bread of the like quality at the time of such sale shall be assessed in and for the city of New-York, by the corporation of the said city, under the penalty of one dollar for every offence, to be recovered by the said trustees before any justice of the peace residing in the said village or county of Orange, in an action of debt, with costs of suit, for the use of the said corporation.

VII. *And be it further enacted,* That the freeholders and inhabitants of the said village of Newburgh, qualified to vote at town meetings, at their annual town meetings on the first Tuesday in May in every year hereafter to be held for choosing trustees, or at any other meeting duly notified, shall and they are hereby authorized and empowered to choose not less than three nor more than five judicious inhabitants being freeholders as assessors, one treasurer, being also a freeholder, one collector, and as many fire-wardens as the trustees for the time being, or the major part of them, may order and direct; and that at every such election the person or persons having the greatest number of votes for such offices respectively, shall be deemed to be duly chosen; and in case a vacancy should happen by the death, removal out of the said village, refusal or incapacity to serve of any of the assessors, the treasurer, collector or fire-wardens, it shall be the duty of the trustees, or the major part of them, within ten days thereafter to appoint some suitable person to fill such vacancy; and the person so to be appointed shall be vested with the like powers, and subject to the same penalties and restrictions as if elected by the freeholders and inhabitants of said village as above mentioned.

Corporation
officers how
to be chosen.

Vacancies
how supplied.

VIII. *And be it further enacted,* That the said trustees, treasurer, collector, assessors and fire-wardens, shall within ten days after each and every election, and before they proceed to the exercise of their several offices, respectively take and subscribe an oath or affirmation before any justice of the peace in the said village or county, for the faithful execution of the trust or office to which they may be severally chosen or appointed.

Officers of
said corpora-
tion respect-
ively to take
an oath.

IX. *And be it further enacted,* That the treasurer and collector hereafter to be elected, shall before they enter upon the execution of their respective offices, respectively give such security for the faithful performance of the trusts reposed in them, as the major part of the trustees for the time being shall deem sufficient.

Treasurer and
collector to
give security.

X. *And be it further enacted,* That if any of the inhabitants of said village, qualified as aforesaid, shall hereafter be elected or appointed a trustee, or to the office of assessor or fire-warden, and having notice of said election shall refuse, deny, delay or neglect to take upon him or them to execute such trust or office to which he or they shall be elected, then and as often as it shall happen, it shall and may be lawful for the trustees, or the major part of them, to assess and impose upon every such person or persons so neglecting, delaying or refusing, such reasonable fine or fines as they the said trustees, or the major part of them, may think fit, so as such fine for each refusal, denial, delay or neglect shall not exceed the sum of twenty dollars; all which said fines shall and may be recover-

Officers elect-
ed and refus-
ing to act
how to be
dealt with.

Trustees authorized to prosecute, and how to proceed.

ed by action of debt, before any justice of the peace in the said county of Orange, or court having cognizance of the same to be prosecuted, recovered and received by the said trustees, with costs of suit, to and for the use of the said corporation ; that in all cases where the trustees of the village of Newburgh are authorized, empowered or required to sue or prosecute for any debts, penalties, fines or forfeitures by virtue of this act, it shall be deemed sufficient for the said trustees for the time being, in any suit or action to be brought for any such debts, penalties, fines or forfeitures, to declare generally that the defendant or defendants is or are indebted to the trustees of the village of Newburgh in the amount of such debt, penalty, fine or forfeiture by virtue of this act, to be paid to the said trustees for the time being, when thereunto required, and under such declaration to give the special matter in evidence.

Trustees to choose a president.

And whereas, It is necessary for the good order and government of the said village, that it should be more particularly the business of some one of the trustees of the said village to attend to its more immediate concerns : Therefore, *Be it further enacted* That the trustees within ten days after their being elected, in every year hereafter, or the major part of them, shall and it is hereby made their duty, to assemble in some convenient place in the said village, and there to choose and appoint some one suitable person of their body to be president of the said board of trustees, whose duty it shall be when present, to preside at the meeting of the trustees, to order extraordinary meetings of trustees whenever he may find it for the interest of the village so to do, to receive complaints of the breach of any bye-laws, to see that all the bye-laws, rules and ordinances are faithfully executed, and prosecute in the name of the trustees all offenders against such bye-laws, to receive and lay before the trustees the returns of the fire-wardens, and who, with the consent of the major part of the trustees, shall appoint under his hand and the seal of the said village the company of firemen, to inspect the utensils belonging to the said village for extinguishing fires, and whose duty it shall be more particularly to see the engines and fire utensils, engine-houses and all other public property belonging to the said village suitably and properly taken care of and kept in order, and to do all such other acts and things as may be proper for him as president of the board of trustees to do ; and in case of the death, absence or disability of the president to discharge the several duties before mentioned, his place shall be supplied in the manner hereafter to be provided by the bye-laws of the said corporation.

His powers.

Duty of the collector and treasurer.

XII. *And be it further enacted,* That the collector shall within such time as shall hereafter be provided for by the

bye laws of the said corporation, next after the receipt of his warrant for collecting any tax that may have been ordered to be raised, collect and pay the same to the treasurer; and that all monies which may at any time be in the hands of the treasurer, shall be liable to be drawn out by the trustees, or the major part of them, and applied and disposed of as shall have been directed by the freeholders and inhabitants of said village.

XIII. *And be it further enacted*, That the said trustees shall keep a just and accurate account of their necessary expenses and disbursements, and on exhibiting the same to the treasurer shall be entitled to receive the amount thereof out of any monies in the treasury; and that the treasurer, collector and assessors shall be paid for their several services such suitable compensation as the said trustees, or a majority of them, by a bye law of the said corporation shall provide.

Trustees to keep accurate accounts of their disbursements.

Compensation to the treasurer, collector and assessors.

XIV. *And be it further enacted*, That it shall not be lawful for the said corporation to purchase or hold any real estate whatsoever, not lying or being within the limits of the said corporation.

Restriction on said corporation.

XV. *And be it further enacted*, That the trustees to be elected by virtue of this act, shall continue in office and be authorized and empowered to execute and perform all and singular the powers and duties in this act contained belonging to their office of trustees as aforesaid until the first Tuesday in May next following after their election of trustees as aforesaid, and until a new election for trustees of the said village shall be made pursuant to this act, and until the trustees so last chosen shall take and subscribe the oath or affirmation of the office of trustee.

Trustees how long to continue in office.

TWENTY-FOURTH SESSION. CHAP. LXXXV.

An ACT to vest certain Powers in the Freeholders and Inhabitants of Part of the Town of Watervliet.

Passed 30th March, 1801.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the owners of houses or land, as well as the freeholders and inhabitants qualified by law to vote at town meetings, and resident within that part of the town of Watervliet in the county of Albany comprehended within the limits following, to wit: Beginning on the west bank of Hudson's river and in the northeast corner of the bounds of the city of Albany and extending northerly along the said river to a point on its west bank distant one mile from the place of beginning on a straight line, thence north fifty degrees west one mile, thence southerly on such course as to intersect the north bounds

Inhabitants of Watervliet within certain limits to elect annually five trustees.

of the city of Albany at one mile from the place of beginning, thence easterly along the same north bounds to the place of beginning, to assemble annually on the second Tuesday in May in every year, at such place and at such time of the day as the trustees for the time being or the major part of them shall by public advertisement appoint, and under the direction of the said trustees or such of them as shall be present, who are hereby made inspectors of such election, then and there by a plurality of voices to elect five discreet inhabitants being freeholders to be trustees as aforesaid, who shall continue in office until the second Tuesday of May in the next ensuing year and until others shall be chosen in their place.

Trustees may take grants of lands for the use of the inhabitants.

II. *And be it further enacted*, That the said trustees and their successors are hereby enabled to take a grant or grants, feoffment or feoffments of any lands and tenements lying and being within the limits aforesaid, and to hold the same to them and their successors for ever, in trust to and for the common use and benefit, of the freeholders and inhabitants aforesaid.

Inhabitants at public meetings to make rules relative to their common lands, &c.

III. *And be it further enacted*, That the said owners of houses or land and the said freeholders and inhabitants, at their annual meetings to be held as aforesaid, and at such other times of the year as the said trustees or a majority of them may think necessary to advertise for the purpose, shall be and they are hereby authorized from time to time to make such prudential rules and regulations, as a majority of such owners of houses or land and freeholders and inhabitants so assembled and having a right to vote shall judge necessary and convenient, for the better improving their common lands, and for ascertaining and directing the use and management thereof; and also to ordain and establish such prudential rules and orders relative to the cleansing and keeping in order and repair the common streets and highways within the limits before mentioned, and for removing nuisances therefrom, and also to make and ordain rules and regulations proper to compel the householders to furnish themselves with a sufficient number of fire-buckets, and with necessary tools and implements for extinguishing fires; and to impose such penalties on the offenders against such rules and regulations, or any of them, as the majority of such owners of houses or land and freeholders and inhabitants so assembled, shall from time to time deem proper, not exceeding five dollars for any one offence, to be recovered by the said trustees, and in their own names with costs of suit, for the use of the said owners of houses or land and freeholders and inhabitants, by action of debt before any justice of the peace residing in the county.

And impose penalties.

How recovered & applied.

Trustees to appoint a clerk.

IV. *And be it further enacted*, That the said trustees and their successors shall from time to time appoint one

fit person to be a common clerk for the said owners of houses or land and freeholders and inhabitants, whose duty it shall be to record all rules and regulations made by the said owners of houses or land and freeholders and inhabitants, at their meetings as aforesaid, in a proper book to be by him provided for such purposes, and also to do and perform all such matters and things as the said trustees, or a majority of them, shall lawfully from time to time by writing under their hands direct and appoint; and the said trustees and their successors shall make such prudential rules and regulations, as they or a majority of them shall deem proper, for regulating, cleansing, paving and repairing the streets, and doing all and singular such acts as the freeholders and inhabitants might lawfully do; *Provided always*, That the powers hereby in this last paragraph given to the trustees aforesaid shall be exercised only when the freeholders and inhabitants neglect or refuse to make the regulations contemplated by this act to be made by them.

His duty.

Trustees to make rules as aforesaid if the inhabitants neglect or refuse to make the same.

V. *And be it further enacted*, That it shall and may be lawful to and for the said trustees or the major part of them, and they are hereby required from time to time to appoint a sufficient number of men, willing to accept, not to exceed twenty in number, out of the inhabitants within the limits aforesaid, to have the care, management, working and use of the fire engine or engines belonging or which may belong to the said owners of houses or land and freeholders and inhabitants, and also the tools and instruments for extinguishing fires; and the said trustees or the major part of them are hereby authorized and empowered to remove or displace all or any of the firemen so as aforesaid to be appointed, when and as often as they shall think fit, and others in their stead to appoint, and also to make, establish and ordain such rules and regulations for the government, conduct, duty and behaviour of such firemen as to them shall appear necessary and proper.

Trustees to appoint and regulate firemen.

VI. *And be it further enacted*, That it shall and may be lawful for the said owners of houses and land and freeholders and inhabitants, at their annual meeting for electing trustees, by a majority of voices to determine what sum in the aggregate shall be raised, levied and collected from the said owners of houses or land and freeholders and inhabitants resident within the said limits, for paving and other improvements on the highways therein; and to empower the said trustees to apportion the sum so to be raised amongst the said owners of houses or land, freeholders and inhabitants, in proportion to the advantages which they shall deem to result to each from any such repairs or improvements; *Provided always*, That such sum shall not in any one year exceed the sum of two hundred and fifty dollars; and shall in like manner raise a sum.

Inhabitants to determine annually the sum to be raised for improving the roads.

Same not to exceed in any year 250 dollars.

And to purchase a fire engine.

sufficient to purchase an engine for the more effectual extinguishing of fires within the said limits, or within the city of Albany, and shall in like manner apportion to each his or her proportion of the expense.

C H A P. CVII.

An ACT to vest certain Powers in the Freeholders and Inhabitants of the Villages of Troy and Lansingburgh.

Passed 2d April, 1801.

Bounds of the village of Lansingburgh

Freeholders thereof annually to choose five trustees.

Freeholders of the village incorporated.

Powers of the corporation.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the district of country contained within the following bounds, to wit : Beginning at a point in the division line between the counties of Albany and Rensselaer opposite the mouth of the creek on which John D. Vander Heyden's mill now stands, from thence running on a line due east to the foot of the first range of hills, thence northerly on a line along the foot of the said first range of hills until said line strikes the north bounds of the farm of Cornelius Lansing and on which the said Cornelius Lansing now lives, thence westerly along the north bounds of the said farm to the division line between the counties of Rensselaer and Saratoga, thence along the westerly line of the said county of Rensselaer to the place of beginning, shall continue to be known and distinguished by the name of the village of Lansingburgh ; and the freeholders who may from time to time reside within the aforesaid limits, shall annually on the third Tuesday of May meet at some proper place, by the trustees of the said village to be appointed and notified to the inhabitants thereof at least one week previous thereto, and then and there choose five discreet freeholders resident within said village, to be trustees thereof, and the trustees for the time being shall preside at such meeting, and shall declare the several persons having a majority of votes as duly chosen trustees.

II. *And be it further enacted,* That all the freeholders residing within the aforesaid limits are hereby constituted and declared to be a body politic and corporate by the name of " The trustees of the village of Lansingburgh," and by that name they and their successors may have perpetual succession, and be persons in law capable of suing and being sued, and of defending in all courts and places whatsoever, in all manner of actions and causes whatsoever ; and they and their successors may have a common seal, and may alter the same at pleasure, and shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the public use of said village, and of erecting public buildings, such as fire engine houses, school houses, market houses, of raising money by

tax for erecting those public buildings, or making any other necessary improvements, which money so to be raised shall be assessed upon the freeholders and inhabitants of said village, in proportion to their property, by three judicious assessors, to be by the freeholders and inhabitants of said village qualified to vote at town meetings chosen at their annual meetings, and collected by the collector of the corporation in the same manner as the taxes of the county of Rensselaer are collected, by virtue of a warrant to him directed signed by a majority of the trustees; *Provided nevertheless*, That no tax shall be levied or monies raised, assessed or collected for erecting public buildings or making any other necessary improvement, nor any purchase or sale of any real estate be made, nor any public building erected or disposed of, without the consent of the freeholders and other legal voters of the said village, or the major part thereof, to be given at a public meeting duly notified.

The consent of a majority of the inhabitants necessary to certain acts.

III. *And be it further enacted*, That it shall be lawful for the said trustees, or the major part of them, and their successors, to make and publish such prudential rules and regulations as they from time to time shall deem meet relative to public markets within the said village, relative to the streets, alleys and highways of said village, and to draining, filling up, paving, keeping in order and improving the same, relative to slaughter-houses and nuisances generally, relative to the establishing, regulating and ordering their fire company and ordering and procuring fire-buckets, fire utensils, and guarding against fire generally, relative to a town watch and lighting the streets of said village, relative to the number of taverns and inns to be licensed, relative to the restraining geese, swine or cattle of any kind, relative to the better improving their common lands, and relative to any thing whatsoever that may concern the police and good government of the said village; but no such bye laws shall extend to the regulating or ascertaining the prices of any commodity or articles of provision that may be offered for sale; *Provided also*, That such bye laws shall not be inconsistent with the laws of this state or of the United States; and the said trustees or the major part of them, as often as they shall make and publish any such bye laws for the purposes aforesaid, may make and provide such reasonable fines against the offenders of such laws as they may think proper, not exceeding twenty-five dollars for any one offence, to be prosecuted and recovered before any justice of the peace, or court of record having cognizance of the same, by and for the use of the trustees of the said village of Lansingburgh.

Trustees to make prudential rules,

Under certain restrictions.

And may impose fines to a certain amount.

IV. *And be it further enacted*, That the said freeholders and inhabitants qualified to vote as aforesaid, at their annual meetings to be held for choosing trustees, or at

Inhabitants to choose assessors, treasurer, collector and fire-wardens.

any other meeting duly notified, are hereby authorized to choose three inhabitants being freeholders as assessors, one treasurer, one collector and as many fire-wardens as the trustees or the major part thereof may direct.

Who shall
take an oath.

V. *And be it further enacted*, That the treasurer, collector, assessors and fire-wardens, shall after such election and before they proceed to the exercise of their several offices, respectively take and subscribe an oath or affirmation before any justice of the peace of the county of Rensselaer, for the faithful execution of the office to which they may be severally chosen.

Treasurer &
collector to
give security.

VI. *And be it further enacted*, That the treasurer and collector hereafter to be elected shall before they enter upon the execution of their respective offices, give such security for the faithful performance of the trusts reposed in them as the major part of the trustees shall deem sufficient.

Any person
refusing to
serve as assessor
or fire-warden sub-
jected to a
fine.

VII. *And be it further enacted*, That if any of the said inhabitants, qualified as aforesaid, shall hereafter be chosen trustee, or to the office of assessor or fire-warden, and having notice of his said election shall refuse or neglect to take upon him such office, it shall then be lawful for the trustees or the major part of them, to impose upon every such person such reasonable fine or sum of money as they may think fit, so as such fine for each refusal or neglect shall not exceed the sum of twenty-five dollars ; all which fines shall be recovered by action of debt before any justice of the peace or court having cognizance of the same, to be prosecuted and recovered by and to the use of the said trustees, freeholders and inhabitants of said village of Lansingburgh.

How imposed
and collected.

Trustees to
choose a pre-
sident.

His duty.

VIII. *And be it further enacted*, That the trustees or the major part of them, within five days after their being elected in every year hereafter, shall assemble and appoint some one suitable person of their body to be president of the said board of trustees, whose duty it shall be when present to preside at the meeting of the trustees, to order extraordinary meetings of the trustees whenever he may find it for the interest of the village so to do, to receive complaints of the breach of any of the bye laws, to see that all the rules and ordinances are faithfully executed, and prosecute in the name of the trustees all offenders against such bye laws, to receive and lay before the trustees the returns of the fire-wardens, and with consent of the major part of the trustees, to appoint under his hand and the seal of the said village the company of firemen, to inspect the utensils belonging to the said village for extinguishing fires, and particularly to see the engines and fire utensils, engine houses, and all other public property belonging to said village suitably and properly kept, and to do all such other acts and things as may be proper for him to do as president of the board of trustees.

IX. *And be it further enacted*, That the collector, treasurer and assessors shall be paid for their services such compensation as the said freeholders and inhabitants or a majority of them at their annual meetings shall deem reasonable and proper.

Compensation to collector, treasurer and assessors.

X. *And be it further enacted*, That the district of country contained within the following bounds, to wit : Beginning on the north side of a certain creek called Poesten-creek where there was formerly a saw mill fifty-eight chains from Hudson's river, and runs from thence down along the said creek to the said river, thence up along the said river to a small creek called the Meadow-creek, thence along the said creek into the woods south seventy degrees easterly forty chains, thence south twenty-three degrees and thirty minutes westerly along the west side of the land of the late Albert Bradt one hundred and six chains to the place of beginning (the above course to be run as the magnetic needle pointed in the year one thousand seven hundred and twenty) shall continue to be known and distinguished by the name of the village of Troy ; and that the freeholders and inhabitants who may from time to time reside in the said village shall be a corporation by the name and style of "The trustees of the village of Troy," and shall have the same rights, privileges, powers and immunities as by this act are given to the corporation of the village of Lansingburgh, subject however to the same regulations, restrictions, orders and provisions.

Bounds of the village of Troy.

Freeholders and inhabitants incorporated with the like powers.

XI. *And be it further enacted*, That the firemen appointed or to be appointed within the said corporations, shall be exempted from serving as jurymen or in the militia, except in cases of actual invasion or insurrection ; *Provided*, That the number of firemen in each village do not exceed twenty ; *And provided further*, That it shall not be lawful for the trustees of the village of Lansingburgh to purchase or hold any real estate not lying or being within the limits of the patent of Stone-Arabia or village of Lansingburgh, nor for the trustees of the village of Troy to purchase or hold any real estate not being within the limits of their corporation.

Privilege of firemen.

Their number not to exceed twenty in each village.

Restriction as to their purchase of real estate.

C H A P. CVIII.

An ACT to vest certain Powers in the Freeholders and Inhabitants of Part of the Town of Brooklyn in Kings County.

Passed 2d of April, 1801.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the freeholders and inhabitants of the town of Brooklyn in Kings county, having a right to vote at town meetings and residing near the ferry, within a line to be-

Bounds of the village of Brooklyn.

Inhabitants thereof annually to choose firemen and make rules for their government.

Duty of the firemen.

Inhabitants to choose a clerk

His duty.

Inhabitants to order fire-buckets ;

And impose fines for neglect in the premises.

How recoverable.

gin at the East-river opposite to and to be drawn up the road that leads from the still-house, late the property of Philip Livingston deceased, and including the same still-house and the other buildings on the south side of the said road to and across the road leading from Bedford, south of the house now or late of John B. Johnson, and from thence northeasterly including all the houses on the east side of the road last mentioned to and including the house and mills of John Jackson at the East-river aforesaid, and from thence down the East-river to the place of beginning, to assemble together on the second Tuesday in May in every year, at such place as shall have been agreed on by a majority of votes at their last meeting, and then and there by a majority of the votes of those so met, and having a right to vote, choose so many able bodied and discreet men residing within the limits aforesaid as a majority of those so met shall think proper, not exceeding thirty in the whole, to have the custody, care and management of the fire engine or engines and the other tools and instruments for extinguishing fires within the limits aforesaid ; and all or any of the persons so by them to be chosen from time to time at any such meeting to remove and to elect others in their stead as aforesaid, and the persons so to be chosen shall be called " The firemen of Brooklyn," and shall be ready at all times, as well by night as by day, to manage, work and exercise the fire engines and other tools or instruments aforesaid, and shall be subject to such rules and regulations as the freeholders and inhabitants, residing within the said district and having a right to vote as aforesaid shall at such meeting from time to time make and establish for the better government of the said firemen, and likewise at every such meeting to choose in manner aforesaid a proper person residing within the said district to be their clerk, whose duty it shall be to enter all the names of such persons chosen firemen as aforesaid in a book to be by him provided and kept for that purpose, and to make an entry of all the proceedings in the said book at every such meeting ; and likewise that a majority of the freeholders and inhabitants at their meetings as aforesaid are hereby empowered to require the inhabitants and owners of houses to provide themselves with such and so many fire-buckets, to be ready in their respective houses, for the purpose of extinguishing fires which may happen in the said district, and to impose such reasonable fines and penalties for every neglect, default or disobedience of such rules and regulations or deficiency of buckets as a majority of the said freeholders at their said meetings as aforesaid shall think proper ; which fines, penalties and forfeitures shall be recovered before any justice of the peace in and for the said county by the said clerk, in an action of debt with costs in his own name, and when recovered

shall be applied towards keeping in repair the said fire-engines and tools thereunto belonging.

II. *And be it further enacted,* That every person so to be chosen a fireman shall during his continuing as a fireman and no longer, be exempted from serving in the office of overseer of the highways or constable, and from being impaneled on any jury or inquest, and from militia duty except in cases of invasion or other imminent danger, and a certificate from the clerk aforesaid shall be sufficient evidence of such exemption.

Privileges of firemen.

III. *And be it further enacted,* That it shall be lawful for the said freeholders and inhabitants, or a majority of them, so entitled to vote as aforesaid, at any such meeting to direct such sums of money as they shall deem necessary and proper for repairing the fire-engines and other instruments for extinguishing fires now provided, or hereafter to be provided within the said district, to be raised, levied and collected from the freeholders and inhabitants residing within the said district, at the same time and in the same manner as the monies for the maintenance of the poor within the town of Brooklyn are by law directed to be raised and collected, and agreeable to the assessors' tax lists in the said town; and the said monies when collected shall be paid to the said clerk, to be by him applied for the purposes aforesaid, at such time and in such manner as the major part of such firemen shall from time to time direct.

Inhabitants to raise money to support the fire-engines.

How to be levied and collected.

IV. *And be it further enacted,* That it shall be lawful for the said freeholders and inhabitants at their annual meetings aforesaid, to choose in like manner as the said firemen are chosen not less than three nor more than five discreet freeholders, residing within the limits aforesaid, who may from time to time make such prudential rules and regulations as they shall judge necessary for the prevention of fires by the burning of chimnies, and for the sweeping or otherwise cleaning of the same, under such penalties as they or a majority of them shall deem expedient, not exceeding the sum of five dollars for any one offence, to be recovered before any court having cognizance of the same with costs of suit, in an action of debt by any one of the freeholders so to be chosen as aforesaid, which sum when recovered shall be applied by the said freeholders for the defraying of the expense of providing lamps for lighting the streets in the said town; *Provided always,* That such rules and regulations shall be recorded by the said clerk, and advertised by the said freeholders in at least three public places within the limits aforesaid eight days before any person shall be liable to such penalties.

Inhabitants to choose persons to have charge of chimnies, and to order the cleaning of them.

Under a penalty.

Proviso.

V. *And be it further enacted,* That no baker or other person within the limits aforesaid shall sell any bread at any higher price or rate than bread of the like quality at the time of such sale shall be assized in and for the city of

A rise of bread to be the same as in New-York.

Under a penalty.

New-York by the corporation of the said city, under the penalty of one dollar for every offence, to be recovered by the overseers of the poor of the said town of Brooklyn in any court having cognizance of the same, in an action of debt, with costs of suit, for the use of the poor of the said town.

Certain copies of records relative to roads and recorded in the town deemed to be the records of the town.

VI. *And be it further enacted*, That all copies and abstracts of records taken from the records of the said county, relative to roads and highways in the said town of Brooklyn, examined and certified to be true copies by the clerk of the said county, and registered by the clerk of the said town in a book to be provided by him for that purpose, shall be deemed to be the records of the said town, and of the same validity as the original records remaining in the office of the clerk of the said county.

C H A P. CLX.

An ACT to vest certain Powers in the Freeholders and Inhabitants of the Village of Waterford.

Passed 6th April, 1801.

Freeholders and inhabitants of Waterford annually to elect seven trustees.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the freeholders and inhabitants qualified to vote at town meetings, and resident within that part of the town of Halfmoon called Waterford, and comprehended within the following limits, viz. Beginning at a point of land commonly called Halfmoon-point which is formed by the junction of the northernmost branch of the Mohawk-river with Hudson's river, and runs thence up and along the waters of Hudson's river to the northeast corner of the lands lately belonging to Hendrick Vander Werkin deceased, thence westerly along the north bounds of the lands aforesaid to lands belonging to Barent Ten Eyck and others, thence along the same to the south side of Ballston-street, thence with the same line continued to the northernmost branch of the Mohawk-river aforesaid, thence down the waters of the said river to the place of beginning, to assemble on the second Tuesday in May in every year, at such place and at such time of the day as the trustees or the major part of them shall by public advertisement appoint, and under the direction of the said trustees or such of them as shall be present, who are hereby made inspectors of such election, then and there by a majority of voices to elect seven discreet inhabitants, being freeholders, to be trustees as aforesaid, who shall continue in office until the second Tuesday in the month of May in the next ensuing year, and until others shall be chosen in their place.

How long to continue in office.

II. *And be it further enacted,* That the said trustees hereby appointed, and their successors, are hereby enabled to take grants and conveyances of any lands and tenements, being within the limits of Waterford aforesaid as herein described, and to hold the same to them and their successors for ever in trust to and for the common use and benefit of the freeholders and inhabitants aforesaid.

To hold real estate for the benefit of the inhabitants ;

III. *And be it further enacted,* That the said freeholders and inhabitants at their annual meetings to be held as aforesaid, and at such other times in the year as the said trustees or a majority of them may think necessary to advertise for the purpose, are hereby authorized from time to time to make and establish such prudential rules and regulations as a majority of such freeholders and inhabitants so assembled and having a right to vote shall judge necessary and convenient, for the better improving of their common lands, and for ascertaining and directing the use and management thereof, and also to ordain and establish such prudential rules and regulations, relative to the cleansing and keeping in order and repair the common streets and highways in Waterford aforesaid, and removing nuisances therefrom, and also to make and ordain rules and regulations proper to compel the housekeepers in Waterford aforesaid to furnish themselves with a sufficient number of fire-buckets, and with necessary tools and implements for extinguishing of fires, and to impose such penalties on the offenders against such rules and regulations, or any of them, as the majority of such freeholders and inhabitants so assembled shall from time to time deem proper, not exceeding five dollars for any one offence, to be recovered by the said trustees in their own names with costs of suit, for the use of the said freeholders and inhabitants, by action of debt before any justice of the peace residing in the county of Saratoga.

And to make certain rules and regulations ;

And provide penalties.

How to be recovered and applied.

IV. *And be it further enacted,* That the said trustees and their successors may from time to time appoint one fit person to be a common clerk for the said freeholders and inhabitants, whose duty it shall be to record all rules and regulations made by the said freeholders and inhabitants at their meetings as aforesaid, in a proper book to be by him provided for such purposes, and also to do all such things as the said trustees or a majority of them shall lawfully from time to time by writing under their hands direct.

To appoint a clerk.

His duty.

V. *And be it further enacted,* That it shall be lawful for the said trustees, or the major part of them, and they are hereby required to appoint or continue a sufficient number of men, willing to accept, not exceeding fifteen in number, out of the inhabitants residing in Waterford aforesaid, to have the care, management, working and use of the fire-engine or engines belonging or which may

To appoint firemen.

And make
rules for their
government.

belong to the said freeholders and inhabitants, and also the tools and instruments for extinguishing fires ; and the said trustees, or the major part of them, are hereby authorized to remove all or any of the said firemen when and as often as they shall think fit, and others in their stead to appoint ; and also to make, establish and ordain such rules and regulations for the government of such firemen as to them shall appear necessary and proper.

C H A P. CLXXXII.

An ACT to vest certain Powers in the Freeholders and Inhabitants of the Village of Poughkeepsie.

Passed 8th April, 1801.

Bounds of the
village of
Poughkeepsie.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the district of country contained within the following bounds, that is to say : Beginning at the mouth of a small brook falling into Hudson's river at a small distance south of a point of land commonly called Shipyard-point which mouth of said brook is on the land of the late Henry Livingston deceased, thence east as the magnetic needle now points one hundred and thirty chains to a stone set in the ground on which is engraven the word " Corporation," again from the mouth of the brook aforesaid northerly along Hudson's river including the flats or shoals between high water's mark and the channel of said river to the mouth of another small brook or where the same joins the waters of Hudson's river aforesaid, which last mentioned brook is commonly known by the name of Kidney's creek or kill and divides the land of Robert L. Livingston from the land of Abraham Pells, then from the mouth of the said brook last mentioned up the middle of the same however it runs to the post road, thence due east as the magnetic needle now points so far as that on a straight line due west it will be one hundred and thirty chains distant from Hudson's river to a stone set in the ground on which is engraven the word " Corporation," and thence in a direct line to the stone set in the ground first above mentioned, shall continue to be known and distinguished by the name of the village of Poughkeepsie ; and the freeholders and inhabitants of the said village, qualified to vote at town meetings, and who may from time to time reside within the aforesaid limits, shall annually on the third Tuesday of May meet at some proper place to be appointed by the trustees and notified to the inhabitants thereof at least one week previous thereto, and then and there proceed to choose five discreet freeholders, resident within the said village, to be trustees thereof, who when chosen shall possess the several powers and rights hereinafter specified ;

Inhabitants
thereof annu-
ally to choose
five trustees.

and the trustees shall preside at each meeting and shall declare the several persons having the greatest number of votes as duly chosen trustees.

II. *And be it further enacted,* That all the freeholders residing within the aforesaid limits, be and they are heroby ordained, constituted and declared to be from time to time and for ever hereafter a body politic and corporate, in fact and in name, by the name of "The trustees of the village of Poughkeepsie," and by that name, they and their successors for ever shall and may have perpetual succession, and be persons in law capable of suing and being sued, and of defending in all courts and places whatsoever, in all manner of actions, complaints, and causes whatsoever, and that they and their successors may have a common seal, and may change and alter the same at pleasure, and shall be in law capable of purchasing, holding and conveying any estate real or personal, for the public use of the said village, and of erecting any public buildings for the use of the said village, and of raising money by tax for erecting those public buildings or making any other necessary repairs or improvements, which money so to be raised shall be assessed upon the freeholders and inhabitants of the said village according to law, by not less than three nor more than five judicious assessors, who shall be freeholders in said village, to be by the freeholders and inhabitants of the said village, qualified to vote at town meetings, chosen at their annual meetings, and collected by the collector of the corporation in like manner as the taxes of towns and counties are collected by virtue of a warrant to him directed by a majority of the trustees; *Provided nevertheless,* That no tax shall be levied or monies raised, assessed or collected for erecting public buildings or making any other necessary repairs or improvements, no purchase or sale of any real estate, no public building erected or disposed of, without the consent of the freeholders and legal voters of the said village of Poughkeepsie, or the major part thereof, in open meeting first obtained.

Inhabitants thereof incorporated.

Powers of the corporation.

No tax to be raised or certain other acts done without consent of the legal voters of the village.

III. *And be it further enacted,* That it shall be lawful for the trustees of the said village, or the major part of them, and their successors, to make, ordain, constitute and publish such prudential bye-laws, rules and regulations, as they from time to time shall deem meet and proper, and such in particular as are relative to public markets within the said village, relative to streets, alleys and highways of the said village, and draining, filling up, paving, keeping in order, and improving the same, relative to slaughter-houses, and nuisances generally, relative to a town watch and lighting the streets of the said village, relative to the number of taverns or inns to be licensed in the said village, relative to the restraining geese, swine or cattle of any kind, relative to the better improving their

Trustees to make rules relative to the police of the village.

common lands, relative to the inspection of weights and measures, relative to erecting and regulating hay-scales, and relative to any thing whatsoever that may concern the public and good government of the said village ; but no such bye-laws shall extend to the regulating or ascertaining the prices of any commodities or articles of provision, except the article of bread, that may be offered for sale ; *Provided also*, That such bye-laws be not contrary to or inconsistent with the laws and statutes of this state or of the United States.

And impose
fines ;

IV. *And be it further enacted*, That the said trustees, or the major part of them, as often as they shall make, ordain and publish any such bye-laws for the purposes aforesaid, may make, ordain, limit and provide such reasonable fines against the offenders of such laws as they may think proper, not exceeding twenty-five dollars for any one offence, to be prosecuted and recovered before any justice of the peace or court having cognizance of the same, by the trustees to and for the use of said corporation.

And regulate
the price of
bread.

V. *And be it further enacted*, That it shall be lawful for the trustees of the said village of Poughkeepsie, or the major part of them, and their successors, to make, ordain, constitute and publish a bye-law prohibiting any baker or other person within the limits aforesaid, from selling any bread at any higher price or rate than bread of the like quality at the time of such sale shall be assized in and for the city of New-York by the corporation of the said city, under the penalty of one dollar for every offence, to be recovered by the said trustees before any justice of the peace residing in the said village or within the county of Dutchess, in an action of debt with costs of suit for the use of the said corporation.

Inhabitants to
choose annu-
ally assessors,
treasurer, col-
lector & fire-
wardens.

VI. *And be it further enacted*, That the freeholders and inhabitants of the said village of Poughkeepsie, qualified to vote at town meetings, at their annual meetings in every year hereafter to be held for choosing trustees, or at any other meeting duly notified, shall and they are hereby authorized and empowered to choose not less than three nor more than five judicious inhabitants, being freeholders, as assessors, one treasurer being also a freeholder, one collector, and as many fire-wardens as the trustees for the time being, or the major part of them, may order and direct ; and that at every such election the person or persons having the greatest number of votes for such offices respectively, shall be deemed to be duly chosen ; and in case a vacancy shall happen by the death of any one of the assessors, the treasurer, collector or fire-wardens, it shall be the duty of the trustees, or the major part of them, within ten days thereafter, to appoint some suitable person to fill such vacancy, and the person so to be appointed shall be vested with the like powers, and subject to the

Trustees to
supply vacan-
cies.

same penalties and restrictions as if elected by the freeholders and inhabitants of said village as above mentioned.

VII. *And be it further enacted,* That the trustees, treasurer, collector, assessors and fire-wardens shall within ten days after every election, and before they proceed to the exercise of their several offices, respectively take and subscribe an oath or affirmation before any justice of the peace in the said village or within the county of Dutchess, for the faithful execution of the trust or office to which they may be severally elected.

Trustees and other officers to take an oath.

VIII. *And be it further enacted,* That the treasurer and collector hereafter to be elected, shall before they enter upon the execution of their offices, respectively give such security for the faithful performance of the trusts reposed in them, as the major part of the trustees for the time being shall deem sufficient.

Treasurer and collector to give security.

IX. *And be it further enacted,* That if any one of the inhabitants of said village, qualified as aforesaid, shall hereafter be elected or chosen a trustee, or to the office of assessor or fire-warden, and having notice of his said election shall refuse or neglect to take upon him the trust or office to which he be so elected, it shall and may be lawful for the trustees, or the major part of them, to assess and impose upon every such person so neglecting or refusing, such reasonable fine or fines as the said trustees, or a major part of them, may think fit, so as such fine for each refusal or neglect shall not exceed the sum of twenty dollars; all which said fines shall and may be recovered by action of debt before any justice of the peace in the said village, or within the county of Dutchess, or any court having cognizance of the same, to be recovered and received by the said trustees to and for the use of the said corporation; that in all cases where the trustees of the village of Poughkeepsie are authorized or required to sue or prosecute for any debts, penalties, fines or forfeitures by virtue of this act, it shall be sufficient for the said trustees in any suit or action to be brought for any such debt, penalty, fine or forfeiture, to declare generally that the defendant is indebted to the trustees of the village of Poughkeepsie in the amount of such debt, penalty, fine or forfeiture by virtue of this act, to be paid to the said trustees when thereunto required, and under such declaration to give the special matter in evidence.

Persons refusing to be trustee, assessor or fire-warden liable to a fine.

How assessed and collected.

How to declare in suits by the trustees

X. *And whereas,* It is necessary for the good government of the said village, that it should be more particularly the business of some one of the trustees of the said village to attend to its more immediate concerns; Therefore, *Be it further enacted,* That the trustees within ten days after their being elected in every year hereafter, or the major part of them, shall and it is hereby made their duty to assemble in some convenient place in the said village, and

Trustees to choose a president.

His duties.

there to choose and appoint some one suitable person of their body to be president of the said board of trustees, whose duty it shall be when present, to preside at the meeting of the trustees, to order extraordinary meetings of the trustees whenever he may find it for the interest of the village so to do, to receive complaints of the breach of any of the laws, to see that all the bye-laws, rules and ordinances are faithfully executed, and prosecute in the name of the trustees all offenders against such bye-laws, to receive and lay before the trustees the returns of the fire-wardens, and who with the consent of the major part of the trustees shall appoint under his hand and the seal of the said village the company of firemen, to inspect the utensils belonging to the said village for extinguishing fires, and whose duty it shall be more particularly to see the engines and fire utensils, engine-houses and all other public property belonging to the said village suitably and properly taken care of and kept in order, and to do all such other acts and things as may be proper for him as president of the board of trustees to do ; and in case of the death, absence or disability of the president to discharge the several duties before mentioned, his place shall be supplied in the manner hereafter to be provided for by the bye-laws of the said corporation.

Duty of the collector.

XI. *And be it further enacted,* That the collector shall within such time as shall hereafter be provided for by the bye-laws of the said corporation, next after the receipt of his warrant for collecting any tax that may have been ordered to be raised, collect and pay the same to the treasurer ; and that all monies which may at any time be in the hands of the treasurer shall be liable to be drawn out by the trustees, or the major part of them, and applied and disposed of as shall have been directed by the freeholders and inhabitants of said village.

Monies how to be applied.

Trustees to account.

XII. *And be it further enacted,* That the said trustees shall keep a just and accurate account of their necessary expenses and disbursements, and on exhibiting the same to the treasurer, shall be entitled to receive the amount thereof out of any monies in the treasury ; and that the treasurer, collector, and assessors shall be paid for their several services such suitable compensation as the legal voters of the said corporation or a majority of them at their annual meeting shall deem reasonable and proper.

Compensation to the treasurer, collector and assessors.

Firemen exempted from serving on juries or in the militia.

XIII. *And be it further enacted,* That the firemen who may at any time hereafter be appointed in the said village, and each and every of them, shall be exempted from serving as jurymen, or in the militia of this state except in cases of the actual invasion of this state or insurrections therein ; *Provided,* That the number of firemen shall not exceed twenty.

Provide.

XIV. And be it further enacted, That it shall not be lawful for the said corporation to purchase or hold any real estate whatsoever not lying or being within the limits of the said corporation.

Corporation
not to hold
real estate out
of the village.

University.

TENTH SESSION. CHAP. LXXXII.

An ACT to institute an University within this State, and for other Purposes therein mentioned.

Passed 13th April, 1787.

WHEREAS by two acts of the legislature of the state of New-York, the one passed the first day of May and the other the twenty-sixth day of November, one thousand seven hundred and eighty-four, an university is instituted within this state in the manner and with the powers therein specified ; *And whereas*, From the representation of the regents of the said university, it appears that there are defects in the constitution of the said university which call for alterations and amendments ; *And whereas* a number of acts on the same subject amending, correcting and altering former ones, tend to render the same less intelligible and easy to be understood ; Wherefore, to the end that the constitution of the said university may be properly amended and appear entire in one law, it will be expedient to delineate and establish the same in this, and repeal all former acts relative thereto :

Preamble.

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That an university be and is hereby instituted within this state, to be called and known by the name or style of The regents of the university of the state of New-York ; that the said regents shall always be twenty-one in number, of which the governor and lieutenant-governor of the state for the time being shall always in virtue of their offices be two ; that the governor, lieutenant-governor, and John Rodgers, Egbert Benson, Philip Schuyler, Ezra L'Hommedieu, Nathan Carr, Peter Sylvester, John Jay, Dirck Romeyn, James Livingston, Ebenezer Russell, Lewis Morris, Matthew Clarkson, Benjamin Moore, Eilardus Westerlo, Andrew King, William Lynn, Jonathan G. Tompkins, John M'Donald and Frederick William De Steuben, shall be and hereby are appointed the present regents : and that they and all the future regents shall continue in place during the pleasure of the legislature ; that all vacancies in the regency which may happen by death or removal, or resignation, shall from time to time be supplied by the legislature, in

University
instituted.

Regents
named.

Regents to
choose a chan-
cellor & vice-
chancellor,

Who shall
preside at
their meet-
ings.

To appoint
meetings.

Eight regents
to make a
quorum.

University
incorporated.

Corporation
to appoint a
treasurer and
secretary.

the manner in which delegates to congress are appointed : that the said regents, as soon as may be after the passing of this act, shall convene at such time and place as the governor shall appoint, and by plurality of voices by ballot choose a chancellor and vice-chancellor, to continue in office during the pleasure of the said regents ; that the said chancellor, or in his absence from the said meeting the vice-chancellor, or in case both be absent, then the senior regent present (and whose seniority shall be decided by the order in which the regents are named or appointed) shall preside, and in case of division have a casting voice at all meetings of the said regents ; that all meetings of the said regents after the first, shall be held at such time and place as the chancellor, or in case of his death, absence from the state or resignation, the vice-chancellor, or in case of the death, absence from the state or resignation of both of them, then at such time and place as the senior regent present in the state shall appoint ; and it shall be the duty of the chancellor, vice-chancellor or senior regent, as the case in virtue of the above contingencies may be, to order and call a meeting of the said regents whenever and as often as three regents shall in writing apply for and request the same, such order or call to be published in one or more of the public newspapers in the city of New-York, at least ten days prior to such meeting ; *And further,* That any eight of the said regents meeting at the time and place so ordered shall be a quorum, and be enabled to transact and do the business which by this act they shall be authorized or directed to do and transact ; that the said university shall be and hereby is incorporated, and shall be known by the name of The regents of the university of the state of New-York, and by that name shall have perpetual succession, and power to sue and be sued, to hold property real and personal, to the amount of the annual income of forty thousand bushels of wheat, to buy and to sell and otherwise lawfully dispose of lands and chattels, to make and use a common seal, and to alter the same at pleasure.

II. *And be it further enacted by the authority aforesaid,* That the said corporation shall appoint by ballot a treasurer and a secretary, to continue in office during the pleasure of the corporation ; that the treasurer shall keep fair and true accounts of all monies by him received and paid out, and that the secretary shall keep a fair journal of the meetings and proceedings of the corporation, in which the yeas and nays on all questions shall be entered, if required by any one of the regents present ; and to all the books and papers of the corporation every regent shall always have access, and be permitted to take copies of them.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the said regents, and they are hereby authorized and required to visit and inspect all the colleges, academies and schools which are or may be established in this state, examine into the state and system of education and discipline therein, and make a yearly report thereof to the legislature, and also to visit every college in this state once a year, by themselves or by their committees, and yearly to report the state of the same to the legislature, and to make such bye-laws and ordinances, not inconsistent with the constitution and laws of the state, as they may judge most expedient for the accomplishment of the trust hereby reposed in them; and in case the trustees of the said colleges, or any of them, shall leave the office of president of the college, or the trustees of any academy shall leave the office or place of principal of the academy vacant, for the space of one year, it shall in all such cases be lawful for the regents, unless a reasonable cause shall be assigned for such delay to their satisfaction, to fill up such vacancies; and the persons by them appointed shall continue in office during the pleasure of the regents, and shall respectively be received by the college or academy to which they may be appointed, and shall have all the powers and exactly the same salary, emoluments and privileges, as his next immediate predecessor in office enjoyed, if any predecessor he had, if not, then such salary as the regents shall direct, to be paid by the trustees, who shall out of the funds or estate of their college or academy, be compellable by the said president or principal to pay the same.

Regents to
visit colleges,
academies
and schools,

And
po
of
the
stand
have
existed for
one year.

X

IV. *And be it further enacted by the authority aforesaid,* That the said regents shall have the right of conferring, by diplomas under their common seal, on any person or persons whom they may think worthy thereof, all such degree or degrees, above or beyond those of bachelor or master of arts, as are known to and usually granted by any university or college in Europe.

Regents may
confer de-
grees,

X

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the said regents, from time to time, to apply such part of their estate and funds, in such manner as they may think most conducive to the promotion of literature and the advancement of useful knowledge within this state; *Provided always,* That where grants shall be made to them for certain uses and purposes therein expressed and declared, the same shall not be applied either in the whole or in part to any other uses.

And apply
funds.

X

VI. *And be it further enacted by the authority aforesaid,* That the regents shall annually meet on the second Thursday next after the senate and assembly at the annual session of the legislature shall have formed a quorum re-

Regents to
meet annual-
ly at the as-
sembly cham-
ber.

X

spectively, and at the assembly chamber, immediately after the assembly shall have adjourned; that the said regents at such meetings, and all others, may adjourn from time to time, not exceeding ten days at any one time.

Now colleges
may be incor-
porated by
the regents.

VII. *And be it further enacted by the authority aforesaid,* That any citizen or citizens, or bodies corporate within this state, being minded to found a college at any place within the same, he or they shall in writing make known to the regents the place where, the plan on which, and the funds with which it is intended to found and provide for the same, and who are proposed for the first trustees; and in case the regents shall approve thereof, then they shall declare their approbation by an instrument under their common seal, and allow a convenient time for completing the same; and if at the expiration of the said time it shall appear to the satisfaction of the regents, that the said plan and propositions are fully executed, then they shall by act under their common seal, declare that the said college, to be named as the founders shall signify, and with such trustees, not exceeding twenty-four, nor less than ten, as they shall name, shall forthwith become incorporated, and shall have perpetual succession, and enjoy all the corporate rights and privileges enjoyed by Columbia college, herein after mentioned.

Former char-
ter to the col-
lege in the
city of New-
York con-
firmed.

VIII. *And be it further enacted by the authority aforesaid,* That the charter heretofore granted to the governors of the college of the province of New-York, in the city of New-York, in America, dated the thirty-first day of October, in the year of our Lord one thousand seven hundred and fifty-four, shall be, and hereby is fully and absolutely ratified and confirmed in all respects, except that the college thereby established shall be henceforth called Columbia college; that the style of the said corporation shall be The trustees of Columbia college in the city of New-York, and that no persons shall be trustees of the same in virtue of any offices, characters or descriptions whatever; excepting also such clauses thereof as require the taking of oaths and subscribing the declaration therein mentioned, and which render a person ineligible to the office of president of the college, on account of his religious tenets, and prescribe a form of public prayer to be used in the said college; and also excepting the clause thereof which provides that the bye-laws and ordinances to be made in pursuance thereof, should not be repugnant to the laws and statutes of that part of the kingdom of Great-Britain called England, except also, that in all cases where fifteen governors are required to constitute a quorum for the dispatch of business, thirteen trustees shall be sufficient; *Provided always,* That the bye-laws and ordinances to be made by the trustees of the said Columbia college, shall not be contrary to the constitution and laws of this state.

Style of the
corporation.

Repealed
Sp 93 -
ch 85 -

IX. *And be it further enacted by the authority aforesaid,* That James Duane, Samuel Prevost, John H. Livingston, Richard Varick, Alexander Hamilton, John Mason, James Wilson, John Gano, Brockholst Livingston, Robert Harper, John Daniel Gross, Johann Christoff Kunze, Walter Livingston, Lewis A. Scott, Joseph Delaplaine, Leonard Lispenard, Abraham Beach, John Lawrence, John Rutherford, Morgan Lewis, John Cochran, Gershom Seixas, Charles M'Knight, Thomas Jones, Malachi Treat, Samuel Bard, Nicholas Romein, Benjamin Kissam and Ebenezer Crosby, shall be, and they are hereby constituted and declared to be the present trustees of Columbia college in the city of New-York, and that when by the death or resignation or removal of any of the said trustees, the number of those trustees shall be reduced to twenty-four, then and from thenceforth the said twenty-four trustees shall be, and they are hereby declared and constituted trustees of the said Columbia college, in perpetual succession, according to the true intent and meaning of the said charter; and all vacancies thereafter shall be supplied in the manner thereby directed.

Trustees named and vacancies how supplied.

Repealed

§. 33

Ch. 88

X. *And be it further enacted by the authority aforesaid,* That all and singular the power, authority, rights, privileges, franchises and immunities, so heretofore granted to and vested in the said governors of the college of the province of New-York, in the city of New-York, in America, by the said charter, excepting as before excepted, shall be, and the same hereby are granted to and vested in the trustees of Columbia college, in the city of New-York, and their successors for ever, as fully and effectually, to all intents and purposes, as if the same were herein particularly specified and expressed; and all and singular the lands, tenements, hereditaments and real estate, goods, chattels, rents, annuities, monies, books and other property, whereof the said governors of the college of the province of New-York, in the city of New-York, in America, were seised, possessed or entitled, under and in virtue of the said charter, or with which the regents of the said university were invested under or by virtue of the said acts, for the use or benefit of the said Columbia college, shall be and the same hereby are granted to and vested in the said trustees of Columbia college in the city of New-York, and their successors for ever, for the sole use and benefit of the said college; and it shall and may be lawful to and for the said trustees and their successors, to grant, bargain, sell, demise, improve and dispose of the same, as to them shall seem meet; *Provided always,* That the lands given and granted to the governors of the college of the province of New-York, in the city of New-York, in America, by the corporation, heretofore styled, The rector and inhabitants of the city of New-York, in communion of the church of

The power, rights and estates of the college vested in the trustees

Repealed

§.

England, as by law established, on part whereof the said college is erected, shall not be granted for any greater estate or in any other manner than is limited by the said charter.

Senior trustee
to call special
meetings.

XI. *And be it further enacted by the authority aforesaid,* That when any special meeting of the trustees of the said college shall be deemed necessary, it shall and may be lawful to and for the senior trustee of the said college, then in the city of New-York, and taking upon himself the exercise of the office (which seniority shall be determined according to the order in which the said trustees are named in this act, and shall be elected hereafter) and he is hereby authorized and required, on application for that purpose in writing, under the hands of any five or more of the said trustees, to appoint a time for such special meeting, in some convenient place within the said city, and to cause due notice thereof to be given in the manner directed by the said charter.

Founders of
academies
may apply to
the regents
to be incorpo-
rated.

XII. *And whereas* academies for the instruction of youth in the languages and other branches of useful learning, have been erected and instituted in different parts of this state by the free and liberal benefactions of corporations, as well as individuals, and the regents of the university having represented that the appointment and incorporation of trustees for each of the said academies, with competent powers to manage the funds already appropriated, and the donations which may be made to such academies, and to superintend the morals and education of the scholars, and the conduct of the principal, masters and teachers, would greatly conduce to their security and prosperity; Therefore, *Be it further enacted by the authority aforesaid,* That upon the application of the founders and benefactors of any academy, now or hereafter to be erected or established within any of the cities or counties of this state, or as many of them as shall have contributed more than one half in value of the real and personal property and estate, collected or appropriated for the use and benefit thereof, by an instrument in writing under their hands and seals, to the regents of the university, expressing their request that such academy should be incorporated, and be subject to the visitation of the regents, nominating in such instrument the trustees, not more than twenty-four nor less than twelve for such academy, and specifying the name by which the said trustees shall be called and distinguished; and whenever any such request shall be made to the said regents, they shall in every such case (if they conceive such academy calculated for the promotion of literature) by an instrument under their common seal, signify their approbation of the incorporation of the trustees of such academy, named by the founders thereof, by the name mentioned in and by their said request in writing, which said request in writing, and

Regents to
signify their
approbation.

Repeated
33 Feb -
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instrument of approbation by the said regents, shall be recorded in the secretary's office of the state.

XIII. *And be it further enacted by the authority aforesaid,* That the trustees so constituted, shall be the first trustees for the academy for which they shall be appointed, and immediately after recording the said request in writing and instrument of approbation, shall be legally invested with all the real and personal estate appertaining to such academy or in any wise given or granted for the use thereof, and the said trustees, from the time of their appointment as aforesaid, and their successors for ever thereafter, shall be a body corporate and politic, in deed, fact and name, known and distinguished by the name and style to be expressed in the said instrument, and by that name shall have perpetual succession, and be capable in the law to sue and be sued, and defend and be defended in all courts and in all causes, plaints, controversies, matters and things whatsoever, and by the same name and style, they and their successors shall lawfully hold, use and enjoy the lands, tenements and hereditaments, in any wise appertaining to the academy for which they shall be constituted trustees, and shall and may lawfully have, take, acquire, purchase and enjoy, lands, tenements and hereditaments, and use and improve such goods and chattels in such manner as they shall judge to be most beneficial for such academy ; *Provided,* That the annual revenue or income arising from the real and personal estate of any such academy, shall not exceed the value of four thousand bushels of wheat, any law, usage or custom to the contrary notwithstanding.

Such approbation being recorded the trustees to be a body corporate, and vested with the estate of the academy.

Annual revenue of academies not to exceed 4000 bushels of wheat.

XIV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for such trustees, and their successors for ever, to have and use a common seal, and the same to alter, break and make anew at their pleasure ; and as often as any three or more of the said trustees shall think fit and signify their request, the senior trustee actually exercising his office and residing within three miles of such academy shall call a meeting of the said trustees, at such convenient time and place as he shall appoint, not less than eight nor more than twelve days from the time of such request, of which previous notice in writing shall be affixed on the door of the academy and of the church nearest thereto, within two days after such appointment ; and at every such meeting the senior trustee shall preside, such seniority in all cases to be determined according to the order of their nomination in the said instrument, or according to the priority of election after all the said trustees shall become extinct ; and the major part of such trustees shall always be a sufficient quorum to proceed on business, and shall have full power and authority to adjourn from time to time, not exceeding seven days at any one time, as the duties of their trust may re-

Trustees to have a common seal.

Senior trustee to call meetings and preside.

Major part of the trustees to form a quorum.

And to ap-
point officers

quire ; and it shall and may be lawful to and for such quorum of the said trustees when assembled and met in manner aforesaid, or the major part of them, from time to time, to appoint a treasurer and clerk, principal, masters, tutors, teachers and other necessary officers, to ascertain their respective salaries and to remove and displace any of them at their pleasure, and to make bye-laws for the admission, education, government and discipline of the scholars or students, and the establishment of the price or terms of tuition, for securing, revising and paying out and disposing of the revenues, and in general for conducting and managing the estate, business and affairs of the said academy, and every matter and thing relating thereto, in such manner as they shall judge to be most conducive to its interest and prosperity, and the end of their trust.

Vacancies of
trustees how
filled up.

XV. And in order to preserve the succession of trustees for the said academies respectively, *Be it further enacted by the authority aforesaid*, That whenever a vacancy shall happen in any corporation of trustees by the death, resignation or refusal to act of any trustee, it shall and may be lawful to and for the trustees of such academy, and they are hereby authorized and required at any legal meeting of the trustees, to elect and choose a fit person to fill up and supply such vacancy.

Regents of
the university
to visit all
academies.

XVI. And for the greater encouragement of such academies, and to render them more useful and respectable, *Be it further enacted by the authority aforesaid*, That the regents of the university shall be visitors of such academies, and the chancellor, vice-chancellor, or a committee of the regents, shall as often as they see proper, visit such academies, to enquire into the state and progress of literature therein.

Scholars edu-
cated in any
academy how
admitted into
colleges.

XVII. *And be it further enacted by the authority aforesaid*, That when any scholar who shall be educated at any of the said academies, on due examination by the president and professors of Columbia college or any other college subject to the visitation of the said regents, shall be found competent, in the judgment of the said president and professors, to enter into the sophomore, junior or senior classes of such colleges, respectively, such scholar shall be entitled to an admission into such of the said classes for which he shall be so adjudged competent, and shall be admitted accordingly at any one of the quarterly examinations of such respective classes.

Trustees of
academies
how to pro-
ceed to entitle
their scholars
to such ad-
mission.

XVIII. *Provided always, and be it further enacted by the authority aforesaid*, That to entitle the scholars of any such academy to the privileges aforesaid, the trustees thereof shall lay before the regents of the said university, from time to time, the plan or system proposed to be adopted for the education of the students in each of the said academies respectively, in order that the same may be revised and

examined by the said regents, and by them be altered or amended, or approved and confirmed, as they shall judge proper.

XIX. *And be it further enacted by the authority aforesaid,* That whenever it shall appear to the said regents that the state of literature in any academy is so far advanced, and the funds will admit thereof, that it may be expedient that a president be appointed for such academy the said regents shall in such case signify their approbation thereof under their common seal, which being entered of record as aforesaid shall authorize the trustees of such academy to elect a president, who shall have, hold and enjoy all the powers that the president of any college recognized by this act, shall or may lawfully have, hold and enjoy; and such academy thereafter, instead of being called an academy, shall be called and known by the same name it was called while it was an academy, except that the word *college* shall be used in all cases instead of the word *academy*, and be subject to the like rules, regulations, controul and visitation of the regents, as other colleges mentioned in this act.

When regents may allow trustees to elect a president, & such academy to become a college.

XX. *And be it further enacted by the authority aforesaid,* That no president or professor shall be ineligible for or by reason of any religious tenet or tenets that he may or shall profess, or be compelled by any law or otherwise to take any test-oath whatsoever; and no professor or tutor of any college or academy recognized by this act shall be a trustee of any such college or academy, nor shall any president of any college or principal of any academy, who shall be a trustee, have a vote in any case relating to his own salary or emoluments; nor shall any trustee, president, principal, tutor, fellow or other officer of any college or academy be a regent of the university.

No president or professor ineligible for his religious tenets.

What offices not to be held by the same person.

XXI. *And be it further enacted by the authority aforesaid,* That whenever any person now or hereafter appointed a trustee of any college or academy, shall be appointed or elected a regent of the university, and whenever any person being a regent of the university shall be appointed or elected a trustee of any college or academy, such person so appointed or elected, shall on due notice thereof decide and elect in which of the said places he will serve, and by writing under his hand shall make known such election, whether of refusal or acceptance, to those by whom he was elected, to the end that such appointment may take effect in case he accept it, or that they proceed to a new appointment in case he refuse it.

A person appointed a trustee of a college or academy or a regent, to make his election.

[TWENTY-SECOND SECTION OBSOLETE.]

THIRTEENTH SESSION. CHAP. XXXVIII.

An ACT for the further Encouragement of Literature.

Passed 31st March, 1790.

Preamble.

WHEREAS it is the duty of a free and enlightened people to patronize and promote science and literature, as the surest basis of their liberty, property and happiness ; *And whereas* the regents of the university in their annual reports communicated at the last and present sessions, have represented that Columbia college, as well as the respective academies incorporated by the said regents in pursuance of the trust reposed in them by the legislature, require aid and encouragement to remove the impediments under which they labour from a deficiency of their funds, notwithstanding the contributions of individuals ; and it appearing to this legislature, that a proportion of the public property will be wisely and usefully employed in enabling the said regents to remove those disadvantages, and to proceed with greater energy and success in accomplishing the important office assigned to them by law as the guardians of the education of the youth of this state ; Therefore,

Regents of the university to take possession and lease out certain lands for the benefit of said college and academies, &c.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for the said regents of the university, and their successors, and they are hereby authorized and empowered to enter into and take seisin and possession of the lands and tenements hereafter described, being now vested in the people of this state, that is to say : A certain tract of land in the county of Washington, adjoining the south end of Lake-George, beginning at the southeast corner of a tract of land heretofore granted to John Jones, and extending thence easterly along the said lake to the place where a small brook falls into the said lake on the east of the place where Fort-George formerly stood, thence east forty chains, thence south one hundred and sixty chains, thence west until the place of beginning bears north forty degrees east, and thence to the place of beginning ; and also a certain other tract of land in the county of Clinton, called Ticonderoga, bounded southerly by the waters issuing out of Lake-George, easterly by the waters of Lake-Champlain, and northerly and westerly by the adjoining patented lands ; and also a certain tract of land at Crown-Point, situate within the same county, bounded westerly, northerly and easterly by the waters of Lake-Champlain, and southerly by the adjoining patented lands ; and also a certain island lying within the general bounds of the city and county of New-York, commonly called and known by the name of Governor's Island, and the same lands and tenements to lease, grant and demise

from time to time for one or more lives, or for years, and on such rents and considerations as they the said regents of the university, or their successors, shall judge most beneficial so that no more than two dwelling houses shall at any time be erected on the said island; and to sue for, recover, have and receive the rents, issues and profits thereof, which are now in arrear or shall become due hereafter, and from time to time to dispose of and apply the same for the better advancement of science and literature in the said college, and the respective academies now incorporated or hereafter to be incorporated under their superintendence and authority within this state, and in such manner and proportion as they shall conceive will best answer the ends of their institution, and the true intent and meaning of this act; reserving so much of the said rents, issues and profits as shall be found necessary to defray the expense which shall be incurred by them in the execution of their trust; *Provided always*, That if any part of the said lands shall hereafter become necessary for the public defence, or other public uses, all leases and grants, with respect to such parts thereof, shall cease and be suspended during the pleasure of the legislature, without any compensation to be made therefor, any thing herein contained to the contrary notwithstanding.

[RESIDUE OF THIS ACT OBSOLETE.]

An ACT to encourage Literature, by Donations to Columbia College and to the several Academies in this State. Obsolete.

Passed 11th April, 1792. Sess. 15, ch. lxix.

TWENTY-FOURTH SESSION. CHAP. CXXVI.

An ACT for the Encouragement of Literature.

Passed 3d April, 1801.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That for the promotion of literature within this state there shall be raised by four successive lotteries the sum of one hundred thousand dollars, that is to say, the sum of twenty-five thousand dollars by each lottery.

Four successive lotteries directed for raising the sum herein mentioned.

II. *And be it further enacted*, That Thomas Storm, David Gelston and Philip Ten Eyck of New-York, Smith Thompson of Poughkeepsie, Elisha Jenkins of Hudson, Daniel Hale of Albany, and John Lovett of Lansingburgh, or the survivors or survivor of them, shall be and they are hereby appointed managers of the laid lotteries, and as such they or a majority of them shall have power to adopt such schemes as to them or the major part of

Seven managers named and their powers.

Enacted

them may appear proper, to sell the said tickets and to superintend the drawing of the said lotteries, and the payment of the prizes thereof.

Severally to give bond as herein directed.

III. *And be it further enacted,* That each of the said managers shall before he takes upon himself the management of the said lotteries, enter into a bond to the people of this state, with such sureties as the comptroller of this state for the time being shall approve of, in the sum of ten thousand dollars, conditioned for the faithful and honest discharge of the duties required of him by this act, and for rendering a just account of all their proceedings at the next session of the legislature after the drawing of each of the said lotteries.

Money to be deposited in one of the banks.

IV. *And be it further enacted,* That the said managers, shall as often as they shall receive five thousand dollars from the sale of tickets, deposit the same in some one of the banks established within this state for safe keeping.

Apportionment and distribution of the avails of each lottery how made.

V. *And be it further enacted,* That the managers aforesaid, after the drawing of each lottery, shall forthwith pay out of the neat amount or avails thereof, the sum of twelve thousand five hundred dollars to the regents of the university of the state of New-York, for the purpose of being by them distributed among such and so many of the academies as now are or hereafter may be erected in this state, in such proportions and to be appropriated in such manner as they shall judge most beneficial for the several academies, and most advantageous to literature, and the residue into the treasury of this state; and the monies to be paid into the treasury of this state shall be applied in such manner for the encouragement of common schools, as the legislature may from time to time direct.

Sale of tickets and drawing of said lotteries when to commence.

VI. *And be it further enacted,* That the said managers shall not proceed to sell tickets of any of the said lotteries until after the first day of October next, and that the said lotteries shall be drawn without delay after the sale of the tickets.

C H A P CXCI.

An ACT for the Payment of certain Officers of Government, and for other Purposes.

Passed 8th April, 1801.

Regents of the university authorized to convey certain lands to the trustees of Union and Columbia colleges.

XXXIII. **A**ND *be it further enacted,* That it shall be lawful for the regents of the university to grant and convey to the trustees of Union and Columbia colleges, and their successors, all the lands which are now vested in the regents, situate at Crown-Point, Ticonderoga and Lake-George, in such proportions as the regents shall deem just and reasonably, for the use of the said colleges respectively.

College of Physicians.

FOURTEENTH SESSION. CHAP. XLV.

An ACT to enable the Regents of the University to establish a College of Physicians and Surgeons within this State.

Passed 24th March, 1791.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the regents of the university, if they shall judge it proper and necessary, and they are hereby authorized to establish under their common seal, a college of Physicans and Surgeons, for the sole purpose of promoting medical science, to consist of at least thirteen trustees or members who shall be vested with such powers and privileges as the said regents shall judge best calculated to answer the purposes of such an institution ; *Provided always*, That the amount of the property which the said college shall or may be authorized to hold, shall never exceed in value sixty thousand pounds current money of New-York ; and that the said regents reserve to themselves the right of conferring degrees and appointing the professors or teachers of the several branches of the medical science in the said college, and of filling all such vacancies as shall or may arise among the trustees or members thereof ; *And provided also*, That any of the trustees of the said college, shall in the discretion of the regents of the university, be appointed professors and teachers in the said college, any law to the contrary notwithstanding.

Regents of the university authorized to establish a college of physicians.

Provided

Further proviso.

II. *And be it further enacted by the authority aforesaid*, That the college so to be established, shall be forthwith thereafter a corporation, and shall be known by such name as the said regents shall direct and appoint, and shall have, hold and enjoy, to them and their successors, all such powers, rights, privileges and immunities, not inconsistent with the constitution and laws of this state, as shall be for that purpose declared by the said regents in their said act of establishment.

Such college to possess corporate rights.

And be it further enacted by the authority aforesaid
That the regents of the University in resolution to the
incorporation of the said college be it
enacted that the said college be it
enacted that the said college be it
enacted that the said college be it

Colleges.

TWENTIETH SESSION. CHAP. LXV.

An ACT respecting Union College, and for other Purposes therein mentioned.

Passed 30th March, 1797.

Trustees of Union college may authorize the faculty to inflict punishments,

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the trustees of Union college in the town of Schenectady and state of New-York, or the major part of any thirteen or more of the said trustees, to make ordinances, rules or orders, authorizing the faculty of the said college to inflict on any student thereof the punishment of degradation and suspension ; *Provided*, That the sentence of the faculty shall in every case be submitted to the said trustees at their next meeting after the passing of such sentence, for their approbation or rejection.

And to regulate adjournments.

II. *And be it further enacted*, That the said trustees shall have the power to pass ordinances authorising any number of the said trustees at the days appointed for stated or special meetings, when a sufficient number do not attend for forming a quorum, to adjourn from day to day until a quorum shall be obtained.

Annuity of 500 dollars granted to Columbia college.

IV. *And be it further enacted*, That the treasurer of this state shall annually on the first Tuesday of July, in every year hereafter, during the pleasure of the legislature, pay to the trustees of Columbia college the sum of five hundred dollars, to be appropriated by the said trustees to the preservation of the anatomical museum in the said college, and for procuring additional articles thereto, and for making such allowance as they shall judge proper to the professor of anatomy in said college, for his services in the care and charge of such museum.

[THIRD SECTION OBSOLETE.]

TWENTY-THIRD SESSION. CHAP. XIX.

An ACT to augment the Funds of the Trustees of Union College in the Town of Schenectady.

Passed the 7th of March, 1800.

10,000 dollars appropriated to the trustees of Union college.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the sum of ten thousand dollars be and the same is hereby given to the trustees of Union college in the town of Schenectady, for the purpose of completing the college edifice which the said trustees have raised in the said town, and of establishing an adequate and permanent fund for the sup-

*Reuben
Lupley Bell
1811*

Exempt

port of such professorships as are or may be instituted in the said college.

II. *And be it further enacted*, That it shall be lawful for the said trustees to borrow the said sum of money on the credit of this state, at an interest not exceeding seven per cent per annum, and that the legislature will within ten years make provision for the repayment of the money so to be borrowed, together with the interest that shall have accrued thereon.

Trustees authorized to borrow to that amount on the credit of this state.

III. *And be it further enacted*, That it shall be lawful for the said trustees, on or before the first day of July next, to make their election, by writing under their common seal, of ten of the lots reserved for promoting literature in this state in and by the act, entitled *An act to appropriate the lands set apart to the use of the troops of the line of this state lately serving in the army of the United States, and for other purposes therein mentioned*, passed twenty-eighth February, one thousand seven hundred and eighty-nine, and to file such election in the office of the secretary of this state; and it shall be the duty of the commissioners of the land-office to direct letters patent to be prepared and granted to the said trustees, and their successors, for the lots of land so to be elected; *Provided however*, That the monies to be derived from the sale of the lands hereby granted, in case they shall be sold, shall be invested in public or bank stock, or put out on interest on real security, and the revenue thereof shall for ever hereafter be appropriated to the support of the president and professors of the said college.

And to select 10 lots in the Military tract to be appropriated for the support of said college.

TWENTY-FOURTH SESSION. CHAP. LXXI.

An ACT to amend an Act, entitled "An Act to augment the Funds of the Trustees of Union College in the Town of Schenectady."

Passed the 24th March, 1801.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the treasurer of this state shall annually pay to the said trustees the interest on any monies which they may borrow on the credit of this state pursuant to the authority given to them by the act hereby amended.

Treasurer to pay to the said trustees annually the interest money herein mentioned.

II. *And be it further enacted*, That it shall be lawful for the president and directors of the bank of Albany to loan the monies aforesaid to the trustees of the said college, at an annual interest of seven per cent, any thing contained in the act of incorporation of the said bank to the contrary in any wise notwithstanding.

President and directors of the bank of Albany may loan certain monies to the said trustees.

[Note—The 19th sect. of the act 18th sess. ch. 76, and the 24th and 26th sect. of act 19th sess. ch. 57, granting donations to Columbia and Union colleges are obsolete. E.]

Oxford Academy.

Obsolete.

An ACT relative to Oxford Academy.
Passed 7th April, 1800. Sess. 23. ch. cxii.

Schools.

FOURTEENTH SESSION. CHAP. XLI.

An ACT for building a School-House, and maintaining a School in the Town of Clermont.

Passed 27th March, 1791.

Preamble.

WHEREAS the magistrates, town officers and other inhabitants of the town of Clermont in the county of Columbia, have by their petition represented to the legislature, that there are monies in the hands of the overseers of the poor in the said town arising from the excise and from fines which are not wanted for the relief of the poor, and prayed that so much of the said money as may remain in the hands of the said overseers on the first day of April next, and shall not then be wanted for the support of the poor of the said town, may be by law appropriated to the purpose of building a school-house, and maintaining a school master in the same town; and that Robert R. Livingston, Samuel Ten Broeck, John Cooper, William Wilson, Marks Blatner and George Best, or a majority of them, may be authorized and directed to put such law in force; Therefore,

Overseers of the poor of the town of Clermont to pay to Robert R. Livingston and others certain monies, to be by them appropriated to the building a school-house, &c.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the overseers of the poor of the said town of Clermont, for the time being, and they are hereby directed to pay to the order of the said Robert R. Livingston, Samuel Ten Broeck, John Cooper, William Wilson, Marks Blatner and George Best, or the majority of them, all such monies arising from the duty of excise and from fines as may remain in the hands of the same overseers, on the said first day of April next, and which may not be then wanted for the support of the poor of the said town; and the said Robert R. Livingston, Samuel Ten Broeck, John Cooper, William Wilson, Marks Blatner and George Best, or the majority of them, are hereby authorized and directed to appropriate the said money to the building of a school-house and maintaining of a school master in such part of the said town, and in such manner as they or the

Major part of them shall judge to be most convenient and beneficial for the inhabitants of the said town, and to purchase or procure a convenient piece of land for that purpose ; and they are hereby directed to take the conveyance of such land to the supervisor, town clerk and overseers of the poor of the said town of Clermont for the time being and their successors in office.

II. *And be it further enacted by the authority aforesaid,* That the said Robert R. Livingston, Samuel Ten Broeck, John Cooper, William Wilson, Marks Blatner and George Best, shall whenever they shall be thereunto required, render an account of their appropriation and disposition of the said money to the supervisor, town clerk and overseers of the poor of the said town of Clermont, for the time being, and as soon as the said monies shall be expended for the purposes aforesaid, then the supervisor, town clerk and overseers of the poor of the said town of Clermont, for the time being, and their successors in office, shall be and hereby are constituted and appointed trustees to superintend and direct the said school ; and it shall be lawful for them from time to time to apply all such monies as may come to the hands of the overseers of the poor for the said town for the time being, and which may not be wanted for the support of the poor of the said town, to the purpose of repairing the said school house and paying a school master for teaching a school therein.

R. R. Livingston and others when required to account to the supervisor, town clerk, &c.

EIGHTEENTH SESSION. CHAP. XXIX.

An ACT concerning the Legacy bequeathed by David Jones for the Benefit of a Charity School.

Passed 24th March, 1795.

WHEREAS David Jones late of Fort Neck in Queens county, deceased, in and by his last will and testament did give and bequeath unto the charge and care of the church wardens of the parish of Hempstead in Queens county aforesaid, for the time being, and to the charge and care of their successors for ever, annually chosen by virtue of the act, entitled *An act for settling a ministry and raising a maintenance for them in the city of New-York, county of Richmond, Westchester and Queens county*, the sum of three hundred pounds current money of New-York, to be lent out on interest on good land security, and the said interest annually applied for ever in the education and instruction of such poor children belonging to the town of Oysterbay as the said church wardens for the time being shall deem proper objects of charity, the said church wardens once in every year on the first Tuesday in May to deliver unto the vestry of the parish of Hempstead, annually elected by virtue of the said act, a just, true and

Preamble, reciting the legacy of David Jones, and why his intentions have not been carried into effect.

circumstantial account on oath of all their proceedings in relation to the disposition and application of the said interest money, and how and to whom the principal sums are lent, and to take the directions of the said vestry with respect to their further proceedings therein ; and although the executors of the said last will and testament, or some or one of them, offered to pay the said legacy yet no person applied for payment thereof, and the same remains unpaid ; *And whereas*, The said executors are dead, and administration of the goods, chattels and credits which were of the said David Jones at the time of his death not administered by his executors, has been committed with his said will annexed unto Samuel Jones and Samuel Clows, who it is suggested will probably soon have assets in their hands sufficient to pay the said sum of three hundred pounds, but the act mentioned in the said bequest having been repealed, there is not any person authorized to receive the same : In order therefore that the intentions of the testator may be carried into execution,

How said legacy to be disposed of now to fulfil the testator's intentions.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the said administrators to pay the said three hundred pounds to the overseers of the poor of the said town of Oysterbay for the time being, or either of them, whose receipt for the same shall be a sufficient discharge to the said administrators for the said legacy ; and the said overseers of the poor of the said town of Oysterbay and their successors are hereby directed and required to lend out the said sum of three hundred pounds at interest on good land security, and to apply the said interest annually for ever in the education and instruction of such poor children belonging to the said town of Oysterbay as the said overseers of the poor of the said town of Oysterbay for the time being shall deem proper objects of charity ; and once in every year on the last Tuesday in March in every year to deliver to the town clerk and supervisor for the time being of the said town of Oysterbay and such justice or justices of the peace as may reside in the said town of Oysterbay, or such of them as shall then meet to examine and audit the accounts of the overseers of the poor of the said town of Oysterbay, a just, true and circumstantial account on oath of all other proceedings in relation to the disposition and application of the said interest money, and how and to whom the principal sums are lent ; and the said town clerk, supervisor and justice or justices shall make a report thereof to the then next town meeting to be held in the said town of Oysterbay, and the said town meeting may give such directions with respect to the further proceedings of the said overseers therein as the major part of the freeholders and inhabitants of the said town then met may deem proper or necessary.

An ACT for the Encouragement of Schools.
Passed 9th April, 1795. Sess. 18, ch. lxxv.

Obsolete.

An ACT to amend the Act, entitled "an Act for the Encouragement of Schools."
Passed 6th April, 1796. Sess. 19, ch. xlix.

Obsolete.

An ACT further to amend an Act, entitled "An Act for the Encouragement of Schools."
Passed 10th March, 1797. Sess. 20, ch. xxxiv.
[Repealed 24th Febr. ch. 189, sec. 3.]

Obsolete.

TWENTY-SECOND SESSION. CHAP. XLVI.

An ACT to incorporate a Part of Stephentown for the Purposes therein mentioned.

Passed 23d March, 1799.

WHEREAS it is represented to the legislature that there is a certain fund given, the interest of which is to be appropriated for the encouragement of schools in that part of Stephentown, in the county of Rensselaer, known by the name of the twelve thousand acres; and the freeholders on said land interested in said fund have by their petition prayed to be incorporated, that they might be enabled to choose trustees for the better managing of said fund: Therefore,

Preamble.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the freeholders residing on that part of Stephentown known by the name of the twelve thousand acres, are hereby constituted and declared to be one body corporate and politic, in fact and in name, by the name of "The trustees of schools in Stephentown," and by that name they and their successors may for ever hereafter have perpetual succession, and shall and may by the same name be persons capable in law to sue and be sued, implead and being impleaded, answering and being answered unto, defend and being defended in all courts and places whatsoever, and that they and their successors may have a common seal, and may change and alter the same at their pleasure, and shall be in law capable of purchasing, holding and conveying any estate real or personal for the use of said corporation; *Provided,* such estate shall not exceed the sum of three thousand dollars.

Freeholders incorporated.

Their privileges.

II. *And be it further enacted,* That Hosea Moffat, David Gould and Jonathan Niles, shall be and they are hereby declared to be the first trustees for the freeholders of

Trustees named.

Elections
when held

that part of Stephentown aforesaid, and shall continue to be trustees for the purposes aforesaid until the last Tuesday in May next, and until others shall be chosen in their places ; and that it shall and may be lawful for the freeholders residing in that part of Stephentown aforesaid for the time being, to assemble on the last Tuesday of May in each year, at such time of the day and place, as the trustees for the time being, or a major part of them shall, appoint by advertisement, and under the direction of the said trustees, or such of them as shall be present, who are hereby made inspectors of such election, and then and there by a majority of voices, to elect three discreet freeholders to be trustees as aforesaid, who shall continue in office until the last Tuesday in May in the next ensuing year, and until others shall be chosen in their places.

Vacancies
how supplied

III. *And be it further enacted*, That when and as often as any vacancy shall happen by death, removal, resignation or neglect to serve of any of the said trustees, it shall and may be lawful for one or more of the trustees to notify a meeting of the freeholders aforesaid, for the election of a trustee or trustees to fill such vacancy or vacancies, and that said trustee or trustees shall remain in office during such time as the person or persons in whose place he or they shall be chosen would have done in case such vacancy had not happened, and no longer.

Rules to be
established.

IV. *And be it further enacted*, That the said freeholders, at their annual meeting to be held as aforesaid, and at such other times in the year as the said trustees, or a majority of them, may think necessary to advertise for the purpose, shall be and they are hereby authorized and empowered from time to time to make, ordain, constitute and establish such prudential rules, orders and regulations, as a majority of such freeholders so assembled shall judge necessary and convenient for the better securing to the said corporation the property hereby vested in them, for the more equal distribution of the income of all such corporate property among the schools within the bounds of said corporation, and also for well ordering and regulating the schools in such manner as will best promote the education of children.

Obsolete.

An ACT to direct the Distribution of the Money appropriated by Law for the Encouragement of Schools in the Counties of Orange and Rockland.

Passed 25th March, 1800. Sess. 23, ch. lxiii.

 TWENTY-FOURTH SESSION. CHAP. CLXXXIX.

An ACT to direct certain Monies to be applied to the Use of Free Schools in the City of New-York.

Passed 8th April, 1801.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the mayor, aldermen and commonalty of the city of New-York in common council convened, be and they are hereby directed on or before the first day of August next, to pay to the vestry of the Episcopal church, the vestry of Christ's church, the trustees of the first Presbyterian church, the minister, elders and deacons of the Reformed Dutch church, the trustees of the Methodist Episcopal church, the trustees of the Scotch Presbyterian church belonging to the associate reformed synod, and to the trustees of the African school, and to the trustees of the united German Lutheran, the trustees of the German Reformed churches, to the trustees of the first Baptist church in the city of New-York, and to the trustees of the united Brethren or Moravian church, each one eleventh part of all the money which remains in their hands, which they have received by virtue of the act, entitled *An act for the encouragement of schools*, passed the 9th day of April, 1795; and the act, entitled *An act to raise a sum of money for the use of this state by tax and for the further support of government*, passed the 3d day of April, 1799.

Common council of the city of New-York to pay to the vestry, trustees, &c. of the congregations herein mentioned, each one eleventh part of certain monies in their hands

II. *And be it further enacted*, That it shall be the duty of the vestry, trustees and minister, elders and deacons aforesaid, to put out at interest on real security, the whole amount of the respective shares which shall by them respectively be received, and the said vestry, trustees and ministers, elders and deacons, shall annually expend in the instruction of poor children in the most useful branches of common education the whole of the annual interest which shall accrue on their said respective shares; and shall on the second Tuesday of July in every year make return to the common council aforesaid, stating in writing the amount and manner in which they have disposed thereof, and how they have applied the income thereof, and such of the said vestry, trustees and minister, elders and deacons who shall not apply such income as herein before directed, or who shall fail in complying with the other injunctions of this act, shall forfeit to the said common council such share or shares as by them shall have been so received, and on refusal to return the same, it shall be the duty of the said common council to sue for and recover such share or shares as shall so become forfeited in any court having cognizance thereof, and the said common council are hereby directed to divide the amount

Appropriations of the said monies how made.

Return thereof to be made annually to the common council.

Penalty for neglect.

How recovered & applied.

so recovered among the other free schools in the said city in equal proportion.

[THIRD SECTION OBSOLETE.]

Gospel & School Lots.

T W E L F T H S E S S I O N . C H A P . X X X I I .

An ACT for the Sale and Disposition of Lands belonging to the People of this State.

Passed 25th February, 1789.

Surveyor-general's duty in laying out lands for the support of the gospel and schools.

II. **A**ND be it further enacted by the authority aforesaid, That in every township so laid out or to be laid out as aforesaid,* the surveyor-general shall mark one lot on the map *gospel*, and one other lot *schools*; which lots shall be as nearly central in every township as may be, and the lots so marked shall not be sold, but the lots so marked *gospel*, shall be reserved for and applied to supporting the gospel in such township, and the lots marked *schools*, for the use of schools in such township.

* The 1st section of this act related to the Twenty Townships in Chenango County. E.

T W E N T Y - F I R S T S E S S I O N . C H A P . X L V I I I .

An ACT relative to the Lots of Land reserved for the Support of the Gospel and Schools, and for the Promotion of Literature, in the Military Tract in the County of Onondaga.

Passed March 23d, 1798.

Supervisors and commissioners empowered to take possession of lands designated as gospel and school lots.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the supervisor of each of the towns in the county of Onondaga, for the time being in conjunction with such commissioners, not exceeding three in number, as the freeholders and inhabitants of any of the said towns shall at their annual town meeting respectively appoint, shall be and are hereby authorized and empowered to enter upon and take possession of the lots of land, situate in the several towns for which such supervisors and commissioners shall have been appointed, which were designated for gospel and school lots by virtue of the act, entitled *An act for the further direction of the commissioners of the land-office, and for other purposes therein mentioned*, passed the 11th day of April, 1796, and thereupon the supervisor and such commissioners of any of the said towns in which such lots of land may be situated, shall and may lease the same, upon such terms and for such period of time, as they in their discretion

And may lease the same.

C H A P. XLIV.

An ACT to amend the Act, entitled "An Act for registering Deeds and Conveyances, relating to the Military Bounty Lands."

Gr. v. 3. 137.
K. B. A. v. 2. 265.

Passed 27th March, 1794.

WHEREAS by the act, entitled *An act for registering deeds and conveyances relating to the military bounty lands*, which became a law on the eighth day of January last, it is enacted, That all deeds and conveyances theretofore made and executed, or pretended so to be, of, or concerning, or whereby any of the said lands may be any way affected in law or equity, shall on or before the first day of May one thousand seven hundred and ninety-four, be delivered to, and deposited with the clerk of the city and county of Albany for the time being; and the said clerk shall on or before the first day of June, which will be in the year of our Lord one thousand seven hundred and ninety-four, deliver all the said deeds and conveyances, so deposited in his office, to the clerk of the county of Herkimer for the time being, there to remain for the benefit of all persons interested therein; *And whereas* the said lands have been since erected into a separate county by the name of Onondaga; *And whereas* the time limited for depositing the said deeds and conveyances is too short; Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That the time limited in and by the said act for delivering the said deeds and conveyances to the clerk of the city and county of Albany for the time being, and depositing the same with him, shall be and hereby is prolonged until the first day of May which will be in the year of our Lord one thousand seven hundred and ninety-five, and that the clerk of the said city and county of Albany for the time being shall, on or before the first day of June which will be in the said year of our Lord one thousand seven hundred and ninety-five, deliver all the said deeds and conveyances which have been or shall be so deposited in his office, to the clerk of the county of Onondaga for the time being, there to remain for the benefit of all persons interested therein; any thing in the said act to the contrary notwithstanding.

Time for depositing military deeds extended.

II. *And be it further enacted by the authority aforesaid,* That the clerk of the county of Herkimer for the time being shall upon demand, deliver to the clerk of the county of Onondaga for the time being, all the books in which he shall have recorded since the eighth day of January last, in conformity to the said act, any deed or deeds, conveyance or conveyances, of or concerning, or whereby any of the said lands may be any way affected in law or equity,

Clerk of Herkimer to deliver to the clerk of Onondaga certain deeds, &c.

And the clerk of Onondaga to execute the duties required by this act of the clerk of Herkimer.

together with all deeds and conveyances, of or concerning the same lands then in his possession, taking a receipt for the same ; and that thereupon the operation of the said act, as to the said clerk of the said county of Herkimer shall cease ; and that the said clerk of the county of Onondaga, for the time being, shall thereafter do, execute and perform all and every the duties and services required by the said act to be done, executed or performed by the clerk of the county of Herkimer for the time being, and in the same manner and form, and shall be entitled to the like rewards, and subject to the like penalties, as such clerk of the said county of Herkimer is entitled and subject to by the said act, and every thing to be done in the premises by the clerk of the county of Onondaga for the time being, shall be of the same validity and effect as if done by the clerk of the county of Herkimer before the passing of this act ; any thing herein contained to the contrary notwithstanding.

T W E N T I E T H S E S S I O N . C H A P . L I .

An ACT to settle Disputes concerning the Titles to Lands in the County of Onondaga.

Passed the 24th March, 1797.

Preamble.

WHEREAS a convention of delegates from a number of towns in the county of Onondaga, have by their petition presented to the legislature, prayed that a law may be passed, authorizing a speedy and equitable mode of settling disputes relative to the titles of land in that county : Therefore,

Robert Yates and others appointed commissioners relative to lands in the county of Onondaga.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That Robert Yates, James Kent, and Vincent Matthews shall be, and they are hereby appointed commissioners, with full power to hear, examine, award, and determine according to law and equity all disputes and controversies respecting the titles, and all claims whatsoever to any lands in the county of Onondaga, and to examine any party or parties submitting to their examination and witnesses on oath, and to commit any witness refusing to be sworn or to answer any question or questions touching the premises, to the gaol of the county in which they may then sit, there to remain until he or she shall submit to be sworn, and to answer such question or questions ; Provided always, That no person shall be obliged to answer any question which may tend to charge himself or herself with any crime, nor shall any witness be compelled to answer any question or questions wherein he or she shall be interested.*

Commissioners to assemble at Aurora

III. *And be it further enacted, That the said commissioners shall, as soon as conveniently may be, after the first*

Gr. v. 3. 425.

H. V. R. v. 2. 266.

5 John. 139.

It is, whereby the public or any private person may be injured; upon report or complaint made thereof to any two or more of the judges aforesaid of the county for which he is loan-officer, the said judges are hereby required and commanded by summons to convene the judges and supervisors of the same county, to meet at such time and place as in the said precept shall be appointed, to hear and determine summarily upon the said report or complaint; and upon sufficient proof made to any one or more of the said judges, with a major part of the said supervisors; of any death, removal, neglect or refusal in the said office as aforesaid, then and in that case, the said majority of the supervisors, with concurrence of one or more of the judges aforesaid, shall proceed in manner as herein before directed, to elect, and are hereby required and commanded to elect a loan-officer in the room and stead of such deceased or absent person, or such person who shall have neglected or refused as aforesaid; which loan-officer so elected as aforesaid, having entered into bond and been qualified in like manner as other loan-officers are by this act directed, shall then have all the powers, privileges and advantages, and shall be subject to all the penalties and forfeitures which any of the loan-officers of the county as aforesaid are vested or charged with, entitled or subject to by virtue of this act.

XVI. *And be it further enacted by the authority aforesaid,* That if any of the loan-officers hereafter to be elected, shall desire to be discharged of and from the said office, any one or more of the judges aforesaid shall and may, upon the application of such loan-officer for that purpose, issue his or their precept to summon the judges aforesaid and supervisors, to meet at a day and place in the said precept mentioned; to whom, when met, the said loan-officer shall produce or render an account of his proceedings in his said office; and if it appear upon examination, to a majority of the said judges and supervisors, that the said loan-officer hath faithfully demeaned himself in the discharge of his said office, according to the true intent and meaning of this act, then and in such case, such loan-officer shall be discharged of and from his said office, and another fit person shall by them be elected to supply his place, who shall take the same oath or affirmation, give the like security, be subject to the like penalties, restrictions and regulations, and receive the same salaries and advantages as the other loan-officers for that county, by virtue of this act are liable, subject or entitled unto.

Loan-officer
how discharged.

XVII. *And be it further enacted by the authority aforesaid,* That when a loan-officer shall be chosen and qualified as herein is directed, in the place of a former loan-officer, such former loan-officer, his executors or administrators, shall upon demand deliver to the new loan-officer chosen

To deliver
books, &c. to
their successors.

in his place and qualified as aforesaid, all the monies, books and papers that were in such former loan-officer's custody, belonging to his office, upon oath, or if of the people called Quakers, on affirmation, before any justice of the peace ; and in case any such former loan-officer, or his executors or administrators, shall delay or refuse to make such delivery on oath or affirmation when demanded as aforesaid, the bond of such former loan-officer shall be forfeited.

Mortgagors
when barred.

XVIII. *And be it further enacted by the authority aforesaid,* That if any borrower shall neglect to bring in and pay, or cause to be brought in and paid, yearly and every year, on the third Tuesday in June, or within twenty-two days thereafter, on one of the days which the loan-officers aforesaid are by this act directed to attend the respective loan-offices, the yearly interest due by his mortgage, and also the part of the principal, as it becomes payable, then and in either of these cases, the loan-officers to whom such mortgage was granted, shall be seised of an absolute, indefeasible estate in the lands, houses, tenements and hereditaments thereby mortgaged to them, their successors and assigns, to the uses in this act mentioned ; and the mortgagor, his or her heirs and assigns, shall be utterly foreclosed and barred of all equity of redemption of the mortgaged premises, any law, usage or custom, or practice in courts of equity to the contrary notwithstanding.

Times of at-
tendance.

XIX. *And be it further enacted by the authority aforesaid,* That the loan-officers shall respectively attend the loan-office every year, to receive the monies by this act directed to be paid to them upon the third Tuesday of June, and thereafter on the Tuesday in each week, for the term of three weeks.

Lands when
to be sold.

XX. *And be it further enacted by the authority aforesaid,* That the loan-officers shall within eight days after the last of the Tuesdays aforesaid, yearly and every year, cause advertisements to be fixed at not less than three of the most public places, in three or more towns, precincts or districts of the county where the premises are situated, describing the quantity and situation of the lands mentioned in the said mortgage, and giving notice, that on the third Tuesday in September in the same year, they are to be sold, at the court-house of the respective counties where the lands lie, by way of public vendue to the highest bidder.

Effect of such
sales.

XXI. *And be it further enacted by the authority aforesaid,* That the loan-officers of the respective counties aforesaid, shall on the said third Tuesday of September yearly, expose the lands in the mortgages foreclosed as aforesaid, to sale at public vendue, and upon such sale, shall convey the said lands to the highest bidder or bidders ; and the purchaser or purchasers shall and may hold and enjoy the

same lands for such estate as was conveyed to the said loan-officers by the mortgage executed by such mortgagors, clearly discharged and freed from all benefit and equity of redemption, and all other incumbrances made and suffered after the execution of such mortgage by the mortgagor, his or her heirs or assigns, and such purchaser or purchasers shall pay the loan-officers for drawing and executing such conveyance the sum of five shillings.

XXII. *And be it further enacted by the authority aforesaid,* That the money for which the premises are sold, shall upon the sale thereof be paid to the said loan-officers, out of which they shall retain in their hands the amount of the principal then due, together with the interest which would have been due thereon on the third Tuesday of June next thereafter, if such sale had not been made, as also the expense of the advertisements and of the sale, such expense not exceeding fifteen shillings, and the remainder, if any be, the loan-officers shall pay to the mortgagor, his or her heirs or assigns; *Provided always,* That if any person or persons offer at the time of the sale to borrow on sufficient security, within this act, the whole principal that is to be retained out of the price, and lent out again, then and in that case the loan-officers shall not retain interest beyond the day of sale; *Provided also,* That if the purchaser incline to borrow the principal sum or sums that is or are to be paid by him, and lent out again, and if the loan-officers be satisfied with the security to be given by such purchaser in manner aforesaid, such purchaser shall be preferred to any other borrower; *Provided likewise,* That the loan-officers shall not be obliged to take notice of any assigns of the mortgagor, unless they enter a notice of their right with the said loan-officers, at or before the time of sale; which notice the loan-officers shall enter on the mortgage and minute thereof, on demand, the assignee paying one shilling for the same; and assignees shall be preferred according to the priority of their entries of such notices.

Monies arising from sales how disposed of.

XXIII. *And be it further enacted by the authority aforesaid,* That after any lands, houses, tenements or hereditaments are mortgaged, according to the directions of this act, if it shall appear to the loan-officers, upon good and sufficient grounds (which they shall insert in the minute book of their proceedings) that the mortgagor had no good right or title to the premises mortgaged, or has otherwise broken the covenant of his mortgage, so that the public may be in danger of losing the monies, or any part thereof, advanced in loan upon the credit of the premises, it shall and may be lawful to and for the said loan-officers, and they are hereby empowered and required to commence an action or actions of debt or covenant upon the said mortgage, against the said mortgagor, his or her heirs,

Fraudulent mortgagors to be prosecuted.

executors or administrators, and the same to prosecute to judgment by all lawful ways and means whatsoever, in any court of record, for the recovery of the whole monies lent upon the mortgage, and the interest become due and that shall become due until the third Tuesday of June next following the judgment, with costs and charges; in which action or actions the mortgagor shall be held to special bail, and the court in which such action is brought, is, and the judges thereof in vacation are, hereby authorized and directed to give such short day for the rules of pleading thereon, that judgment or a trial and final determination may be had the first court after the court at which the defendant first appeared to the same action.

Where loan-offices to be kept.

XXV. *And be it further enacted by the authority aforesaid,* That the respective loan-offices in this state, shall be kept at the court-house of each respective county, or at some other convenient place near the same, except that the loan-officers for the county of Orange shall meet alternately at Goshen and at the New-City in the said county, and their first meeting to be at the court-house in Goshen.

Loan-officers how to dispose of the interest monies.

XXVI. *And be it further enacted by the authority aforesaid,* That the loan-officers respectively shall retain in their hands, so much of the interest monies paid in to them as will pay them their respective salaries appointed by this act, any thing in this act to the contrary notwithstanding; and the remainder of the said interest monies shall be annually paid to the treasurer of this state, on or before the last Tuesday of the month of August, and the said treasurer's receipt shall be to the said loan-officers and every of them, their heirs, executors and administrators, a sufficient discharge.

Their salaries

XXVII. *And be it further enacted by the authority aforesaid,* That the yearly salary of the loan-officers aforesaid, for the services required of them by this act, shall be as follows, to wit:

For every of the loan-officers of the county of New-York, forty pounds.

For every of the loan-officers of the county of Albany, thirty pounds.

For every of the loan-officers of Kings county, ten pounds.

For every of the loan-officers of Queens county, sixteen pounds.

For every of the loan-officers of Suffolk county, fifteen pounds.

For every of the loan-officers of Richmond county, ten pounds.

For every of the loan-officers of Westchester county, fifteen pounds.

For every of the loan-officers of Dutchess county, twenty pounds.

For every of the loan-officers of Orange county, fifteen pounds.

For every of the loan-officers of Ulster county, eighteen pounds.

For every of the loan-officers of Montgomery county, sixteen pounds.

For every of the loan-officers of Washington county, ten pounds.

XXVIII. *And be it further enacted by the authority aforesaid,* That the supervisors and judges aforesaid of the several counties of this state, shall on the first Tuesday in October, which will be in the year of our Lord one thousand seven hundred and eighty-seven, and yearly thereafter on the first Tuesday in October, meet together with the said loan-officers at the court-house of the county; and the majority of the supervisors, with one or more of the judges aforesaid, shall carefully inspect and examine the mortgages, minutes and accounts of the loan-officers, and if it be found that any loan-officer or loan-officers has or have refused or neglected to perform the duties enjoined upon him or them by this act, the said judges and supervisors shall elect a loan-officer or loan-officers in the stead of such who shall so have refused or neglected as aforesaid; and if any deficiency has happened by borrowers not having right to the lands mortgaged, or by the selling thereof for a less price than what is before mentioned or otherwise, then the said supervisors, or a majority of them, with the concurrence of one or more of the said judges shall cause all such deficiencies to be assessed and levied in the county, as other county charges, so that the whole of such deficiencies be paid to the said loan-officers by the third Tuesday of June then next following.

Their accounts annually inspected and deficiencies how made up.

XXIX. *And be it further enacted by the authority aforesaid,* That in case one or more of the said judges, and a majority of the supervisors aforesaid, shall not meet on the second Tuesday in May next, or in case they shall not meet yearly on the first Tuesday in October, or in case they shall not meet when summoned by a precept of one or more of the said judges, for the several purposes in this act mentioned, every of them, in either of these cases, that are absent (unless detained by sickness) shall forfeit the sum of two pounds; and the judge or judges then attending shall issue his or their precept to one or more constables, to summon the judges and supervisors to attend on that day week, for the purposes aforesaid, under double the penalty aforesaid, which each neglecting then to attend, if duly summoned, shall also forfeit although a sufficient number do appear; and in case a sufficient number do not then appear, the judge or judges appearing shall proceed in the like manner, from week to week, until a full number of supervisors do appear to perform the duty

Penalty on judges and supervisors for neglect of duty.

for which they before ought to have met ; and in case the said supervisors, or either of them, when a majority of them are met, shall neglect or refuse to do the duty enjoined on him or them by this act when met, or shall on any pretence whatsoever, on the day of their annual meeting, neglect or omit the causing to be assessed, levied and raised, the whole deficiencies that have happened by any of the means aforesaid, every of them neglecting their duty herein, shall forfeit to the people of this state the sum of five pounds ; all which penalties before in this clause mentioned, are to be recovered before any one of the justices of the peace within the county where such forfeiture shall arise ; one half to the use of such judge or judges and supervisors of the same county endeavouring to perform their duty herein, who will sue and inform against the others, and prosecute their suit to effect, and the other half to the treasurer of the state, and be applied towards cancelling the bills of credit, in such manner as shall be directed by act or acts of the legislature.

Deficiencies
applied to the
use of the
county.

XXX. *And be it further enacted by the authority aforesaid,* That all and every the sums of money which may at any time afterwards be recovered by the loan-officers aforesaid, of such persons as have been the occasion of such deficiencies as aforesaid, shall be applied to the use of such county, and the judge or judges and supervisors are hereby empowered to take all the lawful way and means, in the name of the said loan-officers, to recover the same.

Duty of ex-
ecutors and
devisees.

XXXIV. And to prevent frauds that may happen by executors in their non-payment of any part of the money borrowed as aforesaid by their respective testators ; *Be it further enacted by the authority aforesaid,* That if any person or persons who shall become a borrower or borrowers of the bills issued by virtue of this act, shall afterwards make his, her or their last will and testament, in due form of law, thereby devising the premises so mortgaged to any other person or persons, leaving personal estate sufficient to pay his or her debts, with an overplus not otherwise in the said will disposed of, and not expressly providing in other manner by the said will, in such case it shall be understood, that the deviser intended that the mortgage-money in arrear at the time of his death, should be paid out of his personal estate, and his executor or executors shall accordingly be compelled to pay the same thereout, in aid of such devisee or devisees ; but in case the said last will was made before the premises were mortgaged, then it shall be understood that the testator's intent was (unless otherwise expressed in such will) that the devisee or devisees should pay the residue of the mortgage-money in arrear at the time of such testator's death ; and in case any executor or executors, contrary to the intent of this act, having effects sufficient, shall permit a sale to be

made of the premises mortgaged, such devisee or devisees may immediately have his, her or their action, either in proper person or by guardian or next friend, if under age, against such executor or executors, and recover double the damages sustained, with costs of suit ; and in case any executor or executors shall in such case be a purchaser of the premises so mortgaged or any other in trust for him, or for his use, he or they shall be deemed seised of the premises, for the use of the devisee or devisees, and such executor or executors, and their trustee or trustees, are hereby disabled from making any conveyance thereof from such devisee or devisees ; and if any such conveyance is made, the same is hereby declared fraudulent and void against such devisee or devisees.

XXXV. *And be it further enacted by the authority aforesaid,* That if any person shall falsely swear or affirm in any of the cases where an oath or affirmation is required to be taken by this act, or shall wilfully or knowingly act contrary to the oath or affirmation he has before taken, such offence is hereby declared to be perjury, and the offender, being convicted thereof, shall suffer the pains and penalties of perjury.

Perjury here-
in how pun-
ished.

XXXVI. *And be it further enacted by the authority aforesaid,* That the respective loan-officers within this state, for the time being, shall permit any person or persons, at reasonable times, to search and view the books of mortgages in their hands and custody, upon their paying one shilling for the search ; and the entry of the respective mortgages in the books of the said loan-offices, shall have the like priority, operation and effect, as if such mortgages were registered in the clerk's office of the county in which the lands mortgaged lie.

Books to be
inspected, &c.

XLII. *And be it further enacted by the authority aforesaid,* That the loan-officers, beginning at the other end of the said book,* shall insert the minutes of their proceedings therein, to wit :

Directions to
the loan-offi-
cers.

First. The day they meet, place, house, and loan-officers present.

Second. If any one is absent, they shall, at their next meeting minute the cause of his absence.

Third. Shall enter the hour that every one applies for the loan of money and the sum he applies for.

Fourth. Shall enter down the reason why a prior applicant had not the money according to his application, and the substance of examination for clearing titles and value.

Fifth. Shall enter down the monies received from the treasurer, and the monies delivered to, or received from the loan-officers of another county, and the day when, with a copy of the notice thereof, to be delivered to the treasurer, and when that notice was delivered to the treasurer, and by whom.

* This book is a minute book directed to be provided by the 40th section. R.

Sixth. The last day of their four days of meeting for receiving of monies yearly; they shall enter whose mortgages are foreclosed, and the numbers and sums of them.

Seventh. Shall enter the orders for, and copies of the advertisements for sale, and places at which they are to be set up, and the persons names that are to set them up.

Eighth. Shall enter the names of the purchasers of lands and prices sold for, and payment of the overplus to whom it belongs, with the time and witnesses of such payment.

Ninth. In case any principals, or part thereof, are paid in before the times of payment in the mortgages, the whole amount of such principals so paid in, shall be entered in the said book.

Tenth. Shall enter the cause of all suits, and the informations they have received, and of whom, at length, or if too long, refer to them in papers apart, minuting the substance.

Eleventh. Shall enter their meetings with the judges and supervisors and persons present, together with the minutes of all proceedings of such judges and supervisors, particularly what were the deficiencies laid before them, what measures were taken for assessing and levying such deficiencies, and which of the said judges and supervisors were for assessing, or for neglecting or delaying it.

Books to be provided to enter their accounts.

XLIII. *And be it further enacted by the authority aforesaid,* That the printer shall also cause to be bound, other twelve books of paper, one of them for the use of each loan-office, about two-thirds of the size of the book of mortgages for the same county, to be delivered as aforesaid with the book of mortgages; and that therein shall be entered all the accounts of the loan-office; that at the beginning there shall be an alphabet, wherein shall be inserted every man's name and the page wherein his account stands, and that this book be kept in the fairest and best method that the loan-officers can; and it is to remain in the custody of him who has the minutes of the mortgages and proceedings.

Form of their deeds.

XLIV. *And be it further enacted by the authority aforesaid,* That the deeds to be granted by the loan-officers for any lands to be sold by them, whereof the equity of redemption is foreclosed, shall be in form following, to wit:

THIS INDENTURE, made the Tuesday of _____ in the year of our Lord one thousand seven hundred and _____ between the loan-officers of the _____ of _____ of the one part, and _____ of the other part: Witnesseth, That the said loan-officers of the _____ of _____ for and in consideration of the sum of _____ to them in hand paid, whereof they acknowledge the receipt and discharge the said _____ heirs, executors and administrators, thereof for ever, have, pur-

uant to a law of the state of New-York, entitled *An act for emitting the sum of two hundred thousand pounds in bills of credit for the purposes therein mentioned*, granted, bargained, sold, released, enfeoffed and confirmed, and by these presents do grant, bargain, sell, release, enfeoff and confirm unto the said heirs and assigns, all that together with all and all manner of improvements, hereditaments and appurtenances whatsoever to the same belonging, or in any wise appertaining, and all the estate, right, title, interest, claim and demand whatsoever of the loan-officers of the of and their successors, to the above bargained premises, and every part thereof; to have and to hold the above bargained premises, and every part thereof, with the appurtenances, to the said heirs and assigns, to the sole and only proper use, benefit and behoof of the said heirs and assigns for ever. In witness whereof, the loan-officers of the have hereunto set the seal of their corporation, together with their hands, the day and year above written.

Sealed and delivered in the presence of

To which deed the loan-officers shall affix the seal of the loan-office, and respectively subscribe their names in the presence of two witnesses.

XLV. *And be it further enacted by the authority aforesaid,* That upon every sale of lands, the loan-officers shall fill up one of the loose sheets of blank mortgages, like to the original mortgage, and attest the same as a true copy, under their hands and the seal of the loan-office, and give it instead of the original mortgage for evidence of the title to the purchaser; and the bond to be entered into by the loan-officers shall be in the form following, viz.

Form of their bonds.

K NOW all men by these presents, That we are held and firmly bound unto the people of the state of New-York, in the sum of to be paid to the said people; for which payment well and truly to be made and done, we bind ourselves, our heirs, executors and administrators, and every of us and them, jointly and severally, firmly by these presents. Sealed with our seals, and dated the day of in the year of our Lord one thousand seven hundred and

THE condition of the above obligation is such, That if the above bounden shall and do well and truly perform the office and duty of one of the loan-officers of the of and shall demean himself therein without favour, malice or partiality, then the above obligation to be void, otherwise to remain in full force and virtue.

Sealed and delivered in the presence of

XLVI. *And be it further enacted by the authority aforesaid,* That in case of the forfeiture of such bond as aforesaid, the suit thereon shall be said, on the defendant's paying or tendering in court to pay the damages arisen by

Proceedings in suits on their bonds.

the breach of the condition of the said bond, with the costs to that time ; and if judgment be had thereon, a jury shall inquire of the damages according to law.

Power of the
common
council of
New-York on
this subject.

LIX. *And be it further enacted by the authority aforesaid,* That all the power and authority by this act given to, and duties required to be done by the judges and supervisors of the several counties of this state, shall be vested in, and exercised by the mayor, aldermen and commonalty of the city of New-York in common council convened, who shall be subject to like forfeitures, so far forth as the matters and things in this act contained relate to the said city and county of New-York, and that the word county, in this act mentioned, shall be construed to comprehend the said city and county of New-York.

An ACT supplementary to an Act, entitled " An Act for emitting the Sum of Two Hundred Thousands Pounds in Bills of Credit for the Purposes therein mentioned."

Passed 5th May, 1786. Sess. 9, ch. 64.

ELEVENTH SESSION. CHAP. XXX.

An ACT to take out of Circulation the Bills of Credit emitted by Law, and to emit others as a Substitute.

Passed 8th February, 1788.

Mortgagors
on paying the
whole money
and expense
restored to
their estate in
the premises.

XIII. *AND be it further enacted by the authority aforesaid,* That if at any time before a sale by the loan-officers, the respective mortgagors, their heirs or assigns, shall pay to the loan-officers the whole of the monies, by reason of the neglect to bring in and pay which such sale shall have been advertised, together with the expenses of advertising, the loan-officers shall not proceed to a sale ; and the several mortgagors and their respective heirs and assigns shall on such payment be, with respect to the equity of redemption, and their estate and right of, in and to the mortgaged premises, restored to and be in the same condition as if there had not been a neglect to bring in and pay the said monies ; any thing in the herein recited act to the contrary notwithstanding.

TWELFTH SESSION. CHAP. XXIX.

An ACT directing the Treasurer of this State to cancel certain Bills of Credit and Certificates therein mentioned, and for the further Direction of the Loan-Officers.

Passed 20th February, 1789.

Money bor-
rowed from

IV. *AND be it further enacted by the authority aforesaid,* That in case the whole or any part of the

principal borrowed by any person from any loan-office in this state, shall at any time be paid or come into any such loan-office, no part thereof shall be re-loaned, but the same shall be paid to the treasurer of this state, together with the money received in such loan-office for interest, and shall be disposed of in the same manner as the said interest.

any loan-office at any time repaid not to be re-loaned.

An ACT to prolong the Time for collecting the Arrears of Taxes heretofore made receivable in Public Securities, and to direct the Apportionment of Losses sustained on Monies loaned by the People of this State, in the Counties of Albany and Columbia.

Passed 27th February, 1789. Sess. 12, ch. 34.

[The 5th and 6th sections only related to loan-officers.]

FOURTEENTH SESSION. CHAP. XL.

An ACT for the Direction of the Loan-Officers, and for the Apportionment of Losses on the Monies loaned by the People of this State, in the late Counties of Albany and Montgomery.

Passed 21st March, 1791.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That when any lands, tenements or hereditaments, mortgaged to the loan-officers of any city or county, shall be exposed to sale by the loan-officers, according to the act, entitled *An act for emitting the sum of two hundred thousand pounds in bills of credit for the purposes therein mentioned*, and no person shall bid or offer at such sale to give for the same lands, tenements or hereditaments the sum of money for which the same were mortgaged and then remaining unpaid, with the interest then due thereon, or if any person to whom any such lands, tenements or hereditaments shall at any such sale be struck off, shall not pay for the same, then and in every such case the loan-officers shall enter into and take possession of the said lands, tenements and hereditaments, and let the same upon the best terms they can for the benefit of the county, until the third Tuesday of April then next, and shall on the same third Tuesday in April then next, sell the same lands, tenements and hereditaments at public vendue to the highest bidder, giving at least six weeks notice of such sale in the manner directed by the said act; and if any deficiency shall happen by such sale, the loan-officers shall give notice thereof to the supervisors of the county in which the lands, tenements and hereditaments are situated, at their then next meeting, who shall cause such deficiency to be raised and paid to.

Lands mortgaged to the loan-officers not to be disposed of

the loan-officers on or before the first Tuesday in October then next, but if the mortgagor, or his heirs or assigns, shall at any time before the sale of the mortgaged premises, pay to the loan-officers all such sums as shall be payable on such mortgage on the third Tuesday of June then next, for principal and interest, together with the charges of advertising the same, then the said loan-officers shall accept the same, and permit the said owner, or his heirs or assigns, to take possession of the said mortgaged premises, and to hold the same until default shall be made in the payment of any further sum on the said mortgage.

[Residue of this act presumed to be obsolete.]

An ACT to grant an additional Compensation to the Loan-Officers for the Counties of Albany and Montgomery, and relating to the Loan-Officers of the said Counties.

Passed 11th April, 1792. Sess. 15, ch. 71.

An ACT relative to the Loan-Officers in the County of Montgomery.

Passed 12th March, 1793. Sess. 16, ch. 61.

EIGHTEENTH SESSION. CHAP. LXVIII.

An ACT relative to the Funds of this State.

Passed the 9th of April, 1795.

Persons indebted for monies loaned to have an option as to the payment.

V. **A**ND be it further enacted by the authority aforesaid, That every person who after the third Tuesday of June last was indebted to the people of this state for money loaned by any of the loan-officers within this state, in conformity to the act, entitled *An act for emitting the sum of two hundred thousand pounds in bills of credit for the purposes therein mentioned*, passed the eighteenth of April, one thousand seven hundred and eighty-six, and who have paid what was due on the principal and interest of the said loan to the said third Tuesday of June last, shall have the option to retain the whole residue of the principal so due as aforesaid, until the third Tuesday in June in the year of our Lord one thousand eight hundred and five, or to pay the same residue by instalments, in conformity to the said act; *Provided always*, That the interest arising on such residue shall be annually paid agreeable to the directions in the said act contained; any thing in the said act to the contrary thereof notwithstanding.

[Residue of this act, except the 5th sec. did not relate to this subject.]

An ACT relative to the Treasury of this State.

Passed 19th March, 1798. Sess. 21, ch. 38.

[The last sec. only of this act related to the subject.]

In vol 4, p 40

TWENTY-SECOND SESSION. CHAP. XCIV.

An ACT for the Payment of certain Officers of Government, and other contingent Expenses.

Passed 3d April, 1799.

XXII. **A**ND *be it further enacted*, That hereafter the bills of credit emitted the eighth day of February one thousand seven hundred and eighty-eight, as directed by the forty-ninth section of the act passed the 18th day of April, 1786, shall not be cancelled; but the same shall be and hereby are made subject to the direction of the legislature, for the purpose of satisfying the demands on the treasury of this state, any thing in the said section to the contrary notwithstanding; and the faith of the state is hereby pledged that due provision be made for the redemption of the same.

Certain bills of credit not to be cancelled.

New Loan-Office.

FIFTEENTH SESSION. CHAP. XXV.

An ACT for loaning Monies belonging to this State.

Passed 14th March, 1792.

II. **A**ND *be it further enacted by the authority aforesaid*, That before the said loan-officers shall respectively enter upon their said office, every of them shall give bond to the people of the state of New-York, with such sufficient security as shall be approved of by one or more of the judges of the court of common pleas of the county, together with a majority of the supervisors of the same county, signified by signing such his and their approbation on the back of the said bond, which bond shall be in the full sum by this act committed to his charge, with condition for the true and faithful performance of his office and duty, and that without favour, malice or partiality.

Loan-officers to give security.

III. *And be it further enacted by the authority aforesaid*, That each loan-officer respectively shall take the following oath, viz.

Their oath.

I do swear, that I will according to the best of my skill and knowledge, faithfully, impartially and truly demean myself in discharge of the trust committed to me as one of the loan-officers of the county of by the act, entitled *An act for loaning monies belonging to this state*, according to the purport, true intent and meaning of the said act, so as the public may not be prejudiced by my consent, privity or procurement.

Which oath shall be administered by any justice of the peace, and be indorsed on the said bond, and be signed by such justice and loan-officer, and the bond so indorsed shall be lodged with the clerk of the county, who upon receipt thereof shall give the loan-officer a certificate that such bond indorsed as aforesaid is lodged with him, which certificate shall be delivered to the treasurer of this state, on his delivering to the loan-officer the money herein after directed to be delivered to such loan-officer, and every such bond and the indorsements thereon, shall be recorded by the clerk ; and in case of the forfeiture of any such bond, the major part of the supervisors of the county may direct the same bond to be put in suit, and the monies recovered by virtue thereof shall be applied to the use of the county.

Their corporate powers.

IV. *And be it further enacted by the authority aforesaid,* That the new loan-officers of the several counties shall respectively be bodies politic and corporate, in fact and in law, by the name and style of "The new loan-officers of the county," of which they are respectively loan-officers, with full power to every of the said bodies politic, to have and use a common seal, and under the same seal and in the name of the same bodies politic to give receipts, to take mortgages, and execute releases and conveyances of the mortgaged premises, and to sue and be sued, and generally with all such powers as are necessary for the due execution of the trusts reposed in them by this act.

Interest and principal of the monies loaned when payable.

IX. *And be it further enacted by the authority aforesaid,* That the interest of the money lent out as aforesaid, shall be payable yearly, on the first Tuesday in May in every year, and it shall be optional with the borrowers to repay the principal sum at any time before the first day of May, one thousand eight hundred and two ; and if legislative provision shall be made for the payment of the said principal, or any part thereof after the said first day of May, one thousand eight hundred and two, the borrower shall be allowed the farther time of one year for the repayment thereof, and the respective loan-officers are hereby required, at the lending of the money, to take the security for the same accordingly ; and the said loan-officers for every sum paid to them, shall give to the person paying the same a receipt, and shall enter one minute of the same payment on the back of the mortgage, and another minute thereof in the book of accounts by them to be kept, and that without any fee or reward ; but if the borrower, his heirs, executors, administrators or assigns, shall pay in a fourth, or a half part, or three quarters, or the whole of the principal due to the said loan-officers, on any first Tuesday of May in any year, the said loan-officers are hereby required and empowered to receive the same on the said first Tuesday of May annually, and on no oth-

er day of the year, unless so many shall offer payment on that day, that the said loan-officers cannot within the day receive the whole ; and in that case, they are to continue to receive until all who on that day offered, have paid the monies so offered, or unless he brings with him another sufficient borrower, to give new security to the satisfaction of the loan-officers, for the whole of the money by him paid in, and in that case the loan-officers shall accept thereof, on any of their stated days of meeting ; and when the whole of the principal and interest is paid, the said loan-officers shall (if required) give the party paying a release of the mortgage given by the borrower, and shall tear off the name and seal and make an entry on the margin of the mortgage, and in the margin of the minute made thereof, that on such day and year, such release was made, for which release the releasee shall pay the sum of two shillings, and no more ; and when any parts of the principal are paid in as aforesaid, the loan-officers shall at the end of that meeting compute the whole of the principal so paid in, and give public notice of the amount thereof by advertisements set up, and that they are ready to lend the said monies to such persons as shall appear to be qualified according to the direction of this act to borrow the same, and in the lending and taking security, shall conform themselves (as near as the circumstances of the case can admit) to the directions herein before prescribed ; and if any money shall remain in their hands for want of borrowers, they shall set up advertisements for the amount thereof, and continue to do the like at the end of every of their stated meetings.

When principal and interest is discharged, loan-officers to give a release of the mortgage.

X. *And be it further enacted by the authority aforesaid,* That in case any of the new loan-officers shall remove out of the county, die or neglect or refuse to perform the duty required or enjoined him by this act, or shall behave himself in his office with favour, affection, partiality or malice, whereby the public or any private person may be injured, upon report or complaint made thereof to any two or more of the judges aforesaid of the county for which he is loan-officer, the said judges are hereby directed and required, by summons, to convene the judges and supervisors of the same county, to meet at such time and place as in the said precept shall be appointed, to hear and determine summarily upon the said report or complaint, and upon sufficient proof made to any one of the said judges, with a major part of the said supervisors, of any death, removal, neglect or refusal in the said office as aforesaid, then and in that case, the said majority of supervisors, with concurrence of one or more of the judges aforesaid, shall proceed in manner as herein before directed to elect, and are hereby directed and required to elect a loan-officer* in the room and stead of such deceased or ab-

Vacancies how supplied.

* Each loan-officer by the 1st sec. is required to be a freeholder. E.

sent person, or such person who shall have neglected or refused as aforesaid, which loan-officers so elected as aforesaid, having entered into bond and been qualified in like manner as other loan-officers are by this act directed, shall then have all the powers, privileges and advantages, and shall be subject to all the penalties and forfeitures, which any of the loan-officers of the county as aforesaid, are vested or charged with, entitled or subject to, by virtue of this act.

Loan-officers
how discharged.

XI. *And be it further enacted by the authority aforesaid,* That if any of the new loan-officers hereafter to be elected, shall desire to be discharged of and from the said office, any one or more of the judges aforesaid shall and may upon the application of such loan-officer for that purpose, issue his or their precept to summon the judges aforesaid, and the supervisors to meet at a day and place in the said precept mentioned, to whom when met, the said loan-officer shall produce or render an account of his proceedings in the said office ; and if it appears upon examination to a majority of the said judges and supervisors, that the said loan-officer hath faithfully demeaned himself in the discharge of his said office, according to the true intent and meaning of this act, then and in such case such loan-officer shall be discharged of and from his said office, and another fit person shall be by them elected to supply his place, who shall take the same oath or affirmation, give the like security, be subject to like penalties, restrictions and regulations, and receive the same salaries and advantages, as the other loan-officers for that county, by virtue of this act, are liable, subject or entitled unto.

To deliver
books, &c. to
their successors.

XII. *And be it further enacted by the authority aforesaid,* That when a loan-officer shall be chosen and qualified as herein is directed, in the place of a former loan-officer, such former loan-officer, his executors or administrators, shall upon demand, deliver to the loan-officer chosen in his place and qualified as aforesaid, all the monies, books and papers that were in such former loan-officer's custody, belonging to his office, upon oath before any justice of the peace ; and in case any such loan-officer, or his executors or administrators, shall delay or refuse to make such delivery on oath, when demanded as aforesaid, the bond of such former loan-officer shall be forfeited.

Mortgages
when barred.

XIII. *And be it further enacted by the authority aforesaid,* That if any borrower shall neglect to bring in and pay, or cause to be brought in and paid, yearly and every year, on the first Tuesday in May, or within twenty-two days thereafter, on one of the days which the loan-officers aforesaid are by this act directed to attend the respective loan-offices, the yearly interest due by his mortgage, and also the principal when demanded as aforesaid, then and in either of these cases, the loan-officers to whom such mort-

page was granted, shall be seised of an absolute indefeasible estate in the lands, tenements and hereditaments thereby mortgaged to them, their successors and assigns, to the uses in this act mentioned, and the mortgagor, his or her heirs or assigns, shall be utterly foreclosed and barred of all equity of redemption of the mortgaged premises, any law, usage, custom or practice in courts of equity to the contrary notwithstanding.

XIV. *And be it further enacted by the authority aforesaid,* Times of attendance.
That the loan-officers shall respectively attend the loan-office every year, to receive the monies by this act directed to be paid to them, upon the first Tuesday of May, and thereafter on the Tuesday in each week for the term of three weeks.

XV. *And be it further enacted by the authority aforesaid,* Lands when to be sold.
That the loan-officers shall, within eight days after the last Tuesday of their attendance as aforesaid, yearly and every year, cause advertisements to be fixed up at not less than three of the most public places of the county where the premises are situated, describing the quantity and situation of the lands mentioned in the several mortgages foreclosed as aforesaid, and giving notice that on the third Tuesday in September in the same year, they are to be sold at the court-house of the respective counties where the lands lie (by way of public vendue to the highest bidder) excepting in the city and county of New-York, in which place such vendue shall be held at the public coffee-house in the said city.

XVI. *And be it further enacted by the authority aforesaid,* Effect of such sales.
That the new loan-officers of the respective counties aforesaid, shall on the third Tuesday of September yearly, expose the lands in the mortgages foreclosed as aforesaid, to sale at public vendue, and upon such sale shall convey the said lands to the highest bidder or bidders, and the purchaser or purchasers shall and may hold and enjoy the same lands, for such estate as was conveyed to the said loan-officers by the mortgage executed by such mortgagor, clearly discharged and freed from all benefit and equity of redemption, and all other incumbrances made and suffered after the execution of such mortgage by the mortgagor, his or her heirs or assigns, and such purchaser or purchasers shall pay the loan-officers for drawing and executing such conveyance the sum of five shillings.

XVII. *And be it further enacted by the authority aforesaid,* If not sold loan-officers to leave the same.
That when any lands, tenements or hereditaments mortgaged to the loan-officers according to this act, shall be set up for sale as aforesaid, and no person shall bid or offer at such sale to give for the same lands, tenements and hereditaments, the sum of money for which the same were mortgaged and then remaining unpaid, with the interest then due thereon; or if any person to whom any

such lands, tenements or hereditaments, shall at any such sale be struck off, shall not pay for the same, then and in every such case, the loan-officers shall enter into and take possession of the said lands, tenements and hereditaments, and let the same upon the best terms they can for the benefit of the county, until the third Tuesday in April then next, and shall on the same third Tuesday in April, sell the same lands, tenements and hereditaments at public vendue, to the highest bidder, giving at least six weeks notice of such sale, in manner directed by this act, and if any deficiency shall happen by such sale, the loan-officers shall give notice thereof to the supervisors of the county, where the lands, tenements and hereditaments are situated, at their next meeting, who shall cause such deficiency to be raised and paid to the loan-officers, on or before the first Tuesday in October then next ; but if the mortgagor, or his or her heirs or assigns, shall at or before the sale of the mortgaged premises, pay to the loan-officers all such sums as shall be payable on such mortgage on the first Tuesday of May then next, for principal and interest, together with the charges of advertising the same, then the said loan-officers shall accept the same, and permit the said owner, or his or her heirs or assigns, to take possession of the said mortgaged premises, and to hold the same until default shall be made in payment of any further sum on the said mortgage.

Monies arising from sales how disposed of.

XVIII. *And be it further enacted by the authority aforesaid,* That the money for which the premises are sold, shall upon the sale thereof be paid to the said loan-officers, out of which they shall retain in their hands the amount of the principal then due, together with the interest which would have been due thereon on the first Tuesday of May next thereafter, if such sale had not been made, as also the expense of the advertisements and of the sale, such expense not exceeding fifteen shillings, and the remainder, if any be, the loan-officers shall pay to the mortgagor, his or her heirs or assigns ; *Provided always,* That if any person or persons offer at the time of the sale to borrow on sufficient security within this act the whole principal that is to be retained out of the price, and lent out again, then and in that case the loan-officers shall not retain interest beyond the day of sale ; *Provided also,* That if the purchaser inclines to borrow the principal sum or sums that is or are to be paid by him or her, and lent out again, and if the loan-officers be satisfied with the security to be given by such purchaser in manner aforesaid, such purchaser shall be preferred to any other borrower ; *Provided likewise,* That the loan-officers shall not be obliged to take notice of any assignee of the mortgagor, unless they enter a notice of their right with the said loan-officers at or before the time of sale ; which notice the loan-

officers shall enter on the mortgage and minute thereof on demand, the assignee paying one shilling for the same.; and the assignees shall be preferred according to the priority of their entries of such notices.

XIX. *And be it further enacted by the authority aforesaid,* That after any lands, tenements or hereditaments are mortgaged according to the directions of this act, if it shall appear to the loan-officers upon good and sufficient grounds (which they shall insert in the minute of their proceedings) that the mortgagor had no good right or title to the premises mortgaged, or has otherwise broken the covenant of his mortgage, so that the public may be in danger of losing the monies or any part thereof advanced in loan upon the credit of the premises, it shall and may be lawful to and for the said loan-officers, and they are hereby empowered and required to commence an action or actions of debt or covenant upon the said mortgage against the said mortgagor, his or her heirs, executors or administrators, and the same to prosecute to judgment by all lawful ways and means whatsoever, in any court of record, for the recovery of the whole monies lent upon the mortgage, and the interest become due or that shall become due until the first Tuesday of May next following the judgment, with costs and charges; in which action or actions the mortgagor shall be held to special bail, and the court in which such action is brought is, and the judges thereof in vacation are hereby authorized and directed, to give such short day for the rules of pleading thereon, that judgment or a trial and final determination may be had the first court after the court at which the defendant first appeared to the same action.

Fraudulent
mortgagors
to be prosecuted.

XX. *And be it further enacted by the authority aforesaid,* That the supervisors and judges aforesaid of the several counties of this state, shall on the first Tuesday in October next, and yearly thereafter on the first Tuesday of October in every year, meet together with the said loan-officers, at the court-house of the county, and the majority of the supervisors with one or more of the judges aforesaid, shall carefully inspect and examine the mortgages, minutes and accounts of the loan-officers, and if it be found that any loan-officer or officers, has or have refused or neglected to perform the duties enjoined upon him or them by this act, the said judges and supervisors shall elect a loan-officer or loan-officers in the stead of such who shall have so refused or neglected as aforesaid; and if any deficiency has happened by borrowers not having right to the lands mortgaged, or by the selling thereof at a less price than what is before mentioned or otherwise, then the said supervisors, or a majority of them, with the concurrence of one or more of the said judges, shall cause all such deficiencies to be assessed and levied in the

Their accounts annually inspected and deficiencies how made up.

county as other county charges, so that the whole of such deficiencies be paid to the said loan-officers by the first Tuesday of May then next following.

Penalty on
judges and
supervisors
for neglect of
duty.

XXI. *And be it further enacted by the authority aforesaid,* That in case one or more of the said judges and a majority of the supervisors aforesaid, shall not meet on the first Tuesday in May next, or in case they shall not meet yearly on the first Tuesday in October, or in case they shall not meet when summoned by a precept of one or more of the said judges, for the several purposes in this act mentioned, every of them in either of those cases that are absent (unless detained by sickness) shall forfeit the sum of two pounds, and the judge or judges then attending, shall issue his or their precept to one or more constables, to summon the judges and supervisors to attend on that day week, for the purposes aforesaid, under double the penalty aforesaid, which each neglecting then to attend if duly summoned, shall also forfeit, although a sufficient number do appear, and in case a sufficient number do not then appear, the judge or judges appearing shall proceed in like manner, from week to week, until a full number of supervisors do appear, to perform the duty for which they ought before to have meet ; and in case the said supervisors, or either of them, when a majority of them are met, shall neglect or refuse to do the duty enjoined on him or them by this act when met, or shall on any pretence whatsoever, on the day of their annually meeting, neglect or omit the causing to be assessed, levied and raised, the whole deficiencies that have happened by any of the means aforesaid, every of them neglecting their duty herein shall forfeit to the people of this state the sum of five pounds ; all which penalties before in this clause mentioned are to be recovered before any one of the justices of the peace, within the county where such forfeiture shall arise, one half to the use of such judge or judges and supervisors of the same county, endeavouring to perform their duty herein, who will sue and inform against the others, and prosecute their suit to effect, and the other half to the use of the people of this state.

Deficiencies
when recovered
to be applied to the
use of the
county.

XXII. *And be it further enacted by the authority aforesaid,* That all and every the sums of money which may at any time afterwards be recovered by the new loan-officers aforesaid of such persons as have been the occasion of such deficiencies as aforesaid, shall be applied to the use of such county, and the judge or judges and supervisors are hereby empowered to take all lawful ways and means in the name of the said loan-officers to recover the same.

Salaries of
the several
loan-officers.

XXV. *And be it further enacted by the authority aforesaid,* That the yearly salary of the loan-officers aforesaid, for the services required of them by this act, shall be as follows, that is to say : For every of the loan-officers of the county of New-York the sum of forty pounds, for every of

the loan-officers of the county of Albany the sum of thirty-four pounds, for every of the loan-officers of the county of Suffolk the sum of twenty pounds, for every of the loan-officers of the county of Queens the sum of eighteen pounds, for every of the loan-officers of the county of Kings the sum of ten pounds, for every of the loan-officers of the county of Richmond the sum of ten pounds, for every of the loan-officers of the county of Westchester, the sum of thirty pounds, for every of the loan-officers of the county of Dutchess the sum of fifty pounds, for every of the loan-officers of the county of Orange the sum of twenty-two pounds, for every of the loan-officers of the county of Ulster the sum of thirty-three pounds, for every of the loan-officers of the county of Columbia the sum of thirty-three pounds, for every of the loan-officers of the county of Rensselaer the sum of thirty-five pounds, for every of the loan-officers of the county of Washington the sum of thirty-five pounds, for every of the loan-officers of the county of Clinton the sum of twenty pounds, for every of the loan-officers of the county of Saratoga the sum of twenty-five pounds, for every of the loan-officers of the county of Montgomery the sum of twenty-five pounds, for every of the loan-officers of the county of Otsego the sum of twenty pounds, for every of the loan-officers of the county of Herkimer the sum of twenty pounds, for every of the loan-officers of the county of Tioga the sum of twenty pounds, and for every of the loan-officers of the county of Ontario the sum of twenty pounds; and the said loan-officers respectively shall retain in their hands so much of the interest money paid in to them, as will pay them their said respective salaries, and shall pay the remainder of the said interest to the treasurer of this state annually, on or before the last Tuesday of June in every year, and the receipt of the said treasurer shall be to the said loan-officers and every of them, their heirs, executors and administrators, a sufficient discharge.

XXVI. *And be it further enacted by the authority aforesaid,* Loan officers where kept. That the respective loan-offices in this state shall be kept at the court-house of each respective county, and where there is no court-house at the place where the court of common pleas shall be held in the same county, or at some convenient place near the same, except in the counties of Orange and Westchester, in each of which counties, there being two court-houses, the loan-officers shall meet alternately, first at or near one court-house, and then at or near the other.

XXVII. *And be it further enacted by the authority aforesaid,* Perjury here in how punished. That if any person shall falsely swear or affirm, in any of the cases where an oath or affirmation is required to be taken by this act, or shall wilfully and knowingly act contrary to any oath or affirmation he has taken in pursuance

of this act, such offence is hereby declared to be perjury, and the offender being convicted thereof, shall suffer the pains and penalties as in cases of wilful and corrupt perjury.

Books to be
inspected, &c.

XXVIII. *And be it further enacted by the authority afore-* said, That the respective loan-officers shall permit any person at seasonable times, to search and view the books of mortgages in their hands and custody, upon paying one shilling for the search and the entry of the respective mortgages in the books of the said loan-officers, shall have the like priority, operation and effect as if such mortgages were registered in the office of the clerk of the county in which the lands mortgaged lie.

Loan-officers
to enter mi-
nutes of their
proceedings.

XXXIV. *And be it further enacted by the authority afore-* said, That the new loan-officers, beginning at the other end of the said book, shall insert the minutes of their proceedings therein, as follows : First, the day they meet, place, house and loan-officers present ; second, if any one is absent, they shall at their next meeting minute the cause of his absence ; third, shall enter the hour that every one applies for the loan of money and the sum he applies for ; fourth, shall enter down the reason why a prior applicant had not the money according to his application and the substance of examinations for clearing titles and value ; fifth, shall enter down the monies received from the treasurer and the monies delivered to or received from the loan-officers of another county, and the day when, with a copy of the notice thereof to be delivered to the treasurer, and by whom ; sixth, the last day of their four days of meeting for receiving of monies yearly, they shall enter whose mortgages are foreclosed and the number and sums of them ; seventh, shall enter the orders for and copies of the advertisements for sale, and places at which they are so to be set up, and the persons names that are to set them up ; eighth, shall enter the names of the purchasers of lands and prices sold for, and payment of the overplus to whom it belongs, with the time and witnesses of such payment ; ninth, in case any principals or part thereof are paid in before the times of payment in the mortgages, the whole amount of such principals so paid in shall be entered in the said book ; tenth, shall enter the cause of all suits and the informations they have received, and of whom, at length, or if too long refer to them in papers apart, minuting the substance ; eleventh, shall enter their meetings with the judges and supervisors and persons present, together with the minutes of all proceedings of such judges and supervisors, particularly what were the deficiencies laid before them, what measures were taken for assessing and levying such deficiencies, and which of the said judges and supervisors were for assessing or for neglecting or delaying it.

XXXVI. *And be it further enacted by the authority aforesaid,* That the deeds to be granted by the new loan-officers for any lands to be sold by them, whereof the equity of redemption is foreclosed, shall be in form following, to wit :

Form of deeds
to be given
by the loan-
officers.

THIS indenture, made the day of in the year of our Lord one thousand between the new loan-officers of the county of of the first part, and of the second part, Witnesseth, That the said loan-officers of the county of for and in consideration of the sum of to them in hand paid by the said whereof they acknowledge the receipt, and discharge the said heirs, executors and administrators thereof for ever, have, pursuant to a law of the state of New-York, entitled *An act for loaning monies belonging to this state*, granted, bargained, sold, released, enfeoffed and confirmed, and by these presents do grant, bargain, sell, release, enfeoff and confirm unto heirs and assigns, all that together with all and all manner of improvements, hereditaments and appurtenances whatsoever to the same belonging, or in any wise appertaining, and all the estate, right, title, interest, claim and demand whatsoever of the new loan-officers of the county of and their successors, to the above bargained premises and every part thereof ; To have and to hold the above bargained premises and every part thereof, with the appurtenances, to the said heirs and assigns for ever. In witness whereof, the said loan-officers of the county of have hereunto set the seal of their corporation, together with their hands, the day and year above written. Sealed and delivered in the presence of

To which deed the loan-officers shall affix the seal of the loan-office, and respectively subscribe their names, in the presence of two witnesses.

XXXVII. *And be it further enacted by the authority aforesaid,* That upon every sale of lands the new loan-officers shall fill up the blanks in one of the loose sheets of blank mortgages like to the original mortgage, and attest the same as a true copy under their hands and the seal of the loan-office, and give it instead of the original mortgage for evidence of the title to the purchaser ; and the bond to be given by the loan-officers shall be in the following form, to wit :

Form of their
bonds.

KNOW all men by these presents, That we are held and firmly bound unto the people of the state of New-York, in the sum of to be paid to the people of the state of New-York, for payment whereof, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents, sealed with our seals, and dated the day of in the year of our Lord one thousand

The condition of this obligation is such, that if the above bounden shall and do well and truly perform the office and duty of one of the loan-officers of the county of pursuant to the act, entitled *An act for loaning monies belonging to this state*, and shall demean himself therein, without favour, malice or partiality, then the obligation to be void, otherwise to remain in full force and virtue. Sealed and delivered in the presence of

Power of the
Common
Council of
New-York
on this sub-
ject.

XXXVIII. *And be it further enacted by the authority aforesaid*, That all the power and authority by this act given to, and duties required to be done by the judges and supervisors of the several other counties of this state, shall be vested in and exercised by the mayor, aldermen and commonalty of the city of New-York, in common council convened, so far as the matters and things in this act contained relate to the county of New-York ; and the mayor, recorder, aldermen and assistants, for the time being, of the city of New-York, shall be subject to the like penalties and forfeitures, as the said judges and supervisors are subject to for any default or neglect.

An ACT for giving further Time to the new Loan-Officers of Queens County to loan the Monies in their Hands not already loaned.

Passed 14th February, 1793. Sess. 16, ch. 29.

SEVENTEENTH SESSION. CHAP. XXXIV.

An ACT relative to the new Loan-Officers of the County of Tioga.

Passed 25th March, 1794.

Preamble.

WHEREAS by an act passed during the last session of the legislature, it is enacted, that the courts of common pleas and general sessions of the peace, in and for the county of Tioga, shall be held alternately in the town of Union and in the town of Newtown ; *And whereas* doubts have arisen whether the new loan-officers of the said county are authorized to hold their offices alternately at the places where the said courts are now held : Therefore,

New loan-
office of Tio-
ga where held

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful to and for the new loan-officers of the county of Tioga, and they are hereby required to hold the new loan-office for the county of Tioga in the said towns of Union and Newtown alternately, at or near the places of holding the said courts ; and that the next meeting of the said new loan-officers shall be held in the town of Union as aforesaid.

An ACT to erect part of the Counties of Ulster and Otsego into a separate County.

Passed 10th March, 1797. Sess. 20, ch. 33.

[The 11th sect. only related to this subject.]

TWENTY-FIRST SESSION. CHAP. XVI.

An ACT for dividing the County of Orange.

Passed February 23d, 1798.

V. **A**ND *be it further enacted*, That all losses and deficiencies which may happen on any mortgage of any lands, tenements or hereditaments situated in the said county of Rockland, taken by virtue of the act, entitled *An act for emitting the sum of two hundred thousand pounds in bills of credit, for the purposes therein mentioned*, and also by virtue of the act, entitled *An act for loaning monies belonging to this state*, shall be borne by the same county of Rockland, and the supervisors of the said county shall cause the same to be raised in the same county and paid to the loan-officers of the county of Orange, appointed by virtue of the said acts, and all losses and deficiencies which may happen on any mortgage of any lands, tenements or hereditaments, situated in the county of Orange, as now limited, taken by virtue of the said acts, shall be borne and raised in and by the said county of Orange.

Losses on certain mortgages how borne.

VI. *And be it further enacted*, That it shall and may be lawful for the supervisors of the counties of Orange and Rockland, at each and every of their annual meetings in their respective counties, to appoint two or more of the supervisors of their respective counties, whose duty it shall be to attend at any of the meetings directed by the said acts for inspecting and examining the mortgages, minutes and accounts of the loan-officers appointed in the county of Orange under the acts aforesaid, and that one of the judges and the supervisors so nominated and appointed as aforesaid, of each respective county, or a majority of them, shall be sufficient for the purposes in the said acts mentioned, any law to the contrary thereof in any wise notwithstanding.

Accounts of the loan-officers of Orange by whom to be examined.

VII. *And be it further enacted*, That for the more convenient attendance of the said judges and the supervisors of the counties aforesaid, for the purposes in the last preceding clause mentioned, instead of meeting at the court-houses on the north and south side of the mountains alternately, on the first Tuesday in October, as directed by the two acts aforesaid, it shall be lawful, and the said judges and supervisors are hereby required to meet at the house of Stephen Sloat, in the Clove, any law to the contrary thereof notwithstanding.

Judges and supervisors where to meet.

Penalty on supervisors for non-attendance.

VIII. *And be it further enacted*, That the supervisors so nominated and appointed as aforesaid, in case of their non-attendance, shall be subject to the like penalties as in and by the said acts last mentioned they are made liable to respectively ; and it shall and may be lawful for the judges who shall attend, and it is hereby declared sufficient for the judges aforesaid, to cause the supervisors so nominated to be summoned in manner as is directed in and by the two acts aforesaid, and under the like penalties, and a majority of the supervisors and one of the judges of the counties of Orange and Rockland aforesaid, to do and perform every act and thing relating to the examining and settling the accounts of the old and new loan-officers respectively of the said county of Orange, as fully and effectually to all intents and purposes as if the whole number or a majority of such supervisors and judges in both counties had been present.

C H A P. XXXI.

An ACT to divide the Counties of Herkimer and Tioga.

Passed 15th March, 1798.

Losses on loans by whom to be borne.

XI. **A**ND *be it further enacted*, That all losses which may arise from the deficiencies on loans made by the loan-officers of the former county of Herkimer, on lands included in the said county of Oneida, shall be borne by the said county of Oneida ; and such deficiency as shall arise from lands situated in that part of the said county of Chenango taken from the county of Herkimer, shall be borne by the inhabitants residing in such part ; and such deficiency as shall arise from lands mortgaged to the loan-officers of the county of Tioga, and situated in that part of the said county of Chenango taken from the county of Tioga, shall be borne by the inhabitants residing in such parts ; and for that purpose the said loan-officers shall certify the amount of such deficiencies to the supervisors of the counties of Oneida and Chenango, who shall thereupon assess, levy and collect the same upon the principles aforesaid, and pay the same over to the loan-officers of the said counties respectively in which such deficiencies shall arise ; and the future meetings of the loan-officers of the said county of Herkimer, for the discharge of the duties enjoined by the act, entitled *An act for loaning monies belonging to this state*, shall be at the house now occupied by Ezekiel Clark, at Old Fort-Schuyler ; and it shall be the duty of the supervisors of the said counties of Herkimer and Oneida respectively, at their annual meeting on the last Tuesday of May in every year, to nominate and appoint a committee of three of their board, in each county who shall, in conjunction with one judge of the court of common pleas from

How levied, collected and paid.

Future meetings of the loan-officers where held.

Duties of the supervisors of Herkimer & Oneida.

each of the counties respectively, meet together at the house now occupied by the said Ezekiel Clark, at Fort-Schuyler, on the first Tuesday of October in every year, and then and there do and perform the duties enjoined on the judges and supervisors of the former county of Herkimer by the twentieth section of the said last recited act.

C H A P. XXXVIII.

An ACT relative to the Treasury of this State.

Passed March 19th, 1798.

X. **A**ND *be it further enacted*, That it shall and may be lawful for the loan-officers in the several counties in the southern and middle districts of this state, to make their payments to the bank of New-York for the use of this state, and the sums so paid shall be credited by the said bank to the treasurer of this state, and the receipts for the same shall be immediately transmitted by the person making such payment to the comptroller, who shall thereupon certify the same to the treasurer, and charge him with the amount thereof.

Duties of the loan-officers in the southern and middle districts.

C H A P. XCIII.

An ACT for altering the Bounds of the Counties of Orange, Ulster and Albany.

Passed April 5th, 1798.

VI. **A**ND *be it further enacted*, That all deficiencies arising from loans made by the loan-officers of the county of Orange, upon lands situated in the said county of Orange, shall be assessed and levied on the freeholders and inhabitants of that part of the said county of Orange which heretofore belonged to the said county of Orange, and all deficiencies arising from loans made by the loan-officers of the county of Ulster, shall be assessed and levied on the freeholders and inhabitants of that part of the said county of Orange which heretofore belonged to the said county of Ulster, and the said loan-officers shall certify the amount of all such deficiencies to the supervisors of the county of Orange, who shall thereupon assess and levy the same in manner aforesaid, and pay the same over to the loan-officers of the said counties respectively in which such deficiencies shall have arisen; and all deficiencies arising from loans made by the loan-officers of the county of Albany to persons resident in the town of Catskill, shall be assessed and levied on the freeholders and inhabitants of the said town, and the said loan-officers of the county of Albany shall certify the amount of all such deficiencies to the supervisors of the county of Ulster, who shall thereupon assess and levy the same in

Deficiencies arising from loans now assessed.

manner aforesaid, and pay the same to the said loan-officers of the said county of Albany.

TWENTY-SECOND SESSION. CHAP. XVIII.

An ACT to amend the Laws respecting the Loan-Officers and Supervisors of the several Counties of this State.

Passed February 25th, 1799.

Accounts of
the loan-offi-
cer of Albany
by whom to
be examined.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That in case of such neglect* it shall and may be lawful for the supervisors of the county of Albany or a majority of them, together with one or more of the judges of the said county and such of the supervisors and judges of the other counties as may appear at their annual meeting on the first Tuesday in October in every year, to do and perform the duties required by the said act, to all intents and purposes as if a full board required by the said act had appeared, any law to the contrary notwithstanding.

Like provi-
sion in case of
neglect in
certain other
counties.

II. *And be it further enacted,* That in case of such neglect as aforesaid of the judges and supervisors of the counties of Otsego and Herkimer, or any of them, to attend at the meeting for the examination of the mortgages, minutes and accounts of the loan-officers of the county of Montgomery, on the first Tuesday of October yearly, it shall and may be lawful for the supervisors of the said county of Montgomery, or a majority of them, together with one or more of the judges of the court of common pleas in and for the said county, and such of the supervisors and judges of the said counties of Otsego and Herkimer as may attend such meeting, to do and perform the duties enjoined by the said recited act, as fully and effectually as if all the officers required by the same act had attended such meeting as aforesaid.

Powers of the
loan-officers
extended.

III. *And whereas,* It has been represented to the legislature that great inconveniences arise to the loan-officers of several of the counties within this state, by reason of the division of the said counties, and setting off parts thereof to other counties; for remedy whereof, *Be it further enacted,* That it shall be lawful for the loan-officers of any county within this state, to advertise and sell all lands which may be mortgaged to such loan-officers pursuant to the directions of the several acts in such case made and provided, within the county in which such loan-officers were originally chosen or appointed, any division of such county, or setting off and annexing any part thereof to any other county, or any former law to the contrary notwithstanding.

* The preamble stated, that by the act 15th sess. ch. 71, it was the duty of the judges and one supervisor of Columbia, Rensselaer and Saratoga to meet the supervisors and judges of Albany, and examine the loan-officers' accounts, and that they had neglected. E.

C H A P. XXXVIII.

An ACT providing for the Payment of certain contingent Charges of the former Counties of Herkimer and Tioga.

Passed 23d March, 1799.

V. **A**ND *be it further enacted*, That the future meetings of the supervisors and judges for the examination of the accounts, minutes and mortgages of the loan-officers of the said former county of Herkimer, by virtue of the eleventh section of the said recited act,* instead of the first Tuesday of October, shall be holden on the last Tuesday of October in every year.

Examination
of the loan-
officers' ac-
counts when
made.

An ACT relative to the Clerk's Office and Loan-Officers of the former County of Herkimer.

Passed 23d March, 1799. Sess. 22, ch. 40.

TWENTY-THIRD SESSION: CHAP. LIX.

An ACT to erect part of the Counties of Ulster and Albany into a separate County.

Passed the 25th March, 1800.

X. **A**ND *be it further enacted*, That all losses which may arise from deficiencies on loans by the loan-officers, made on lands mortgaged, and which are situate within the said county of Greene, shall be borne and paid in manner following, that is to say, such deficiency as shall arise from lands mortgaged while part of the county of Albany, shall be borne by the inhabitants residing in that part of the county of Greene, taken from the county of Albany, and the like rule shall prevail as to any deficiency which may in like manner arise in the county of Ulster; and for that purpose the loan-officers of said counties shall respectively certify the amount of such deficiencies to the supervisors of the said county of Greene, who shall thereupon assess, levy and collect the same upon the principles aforesaid, and pay the same to the loan-officers of said counties respectively in which such deficiencies shall arise.

Deficiencies
on loans how
borne & paid.

C H A P. LXVII.

An ACT to amend an Act, entitled "An Act to divide the County of Clinton, and for other Purposes."

Passed 28th March, 1800.

II. **A**ND *be it further enacted*, That all losses which may arise from deficiencies on loans by the loan-officers of the county of Clinton, made on lands mortga-

Deficiencies
on loans how
borne & paid.

* The 11th sect. of the act here alluded to—See pa. 298. E.

Duty of the
supervisors.

ged, and which are situated in the county of Essex, shall be paid in manner following, that is to say, such deficiency as shall arise from lands mortgaged while part of the county of Clinton shall be borne by the inhabitants in that part of the county of Essex taken from the county of Clinton, and the like rule shall prevail as to any deficiency which may arise on loans made on lands mortgaged in the present county of Clinton by the loan-officers of the said county, and for that purpose the said loan-officers shall certify the amount of such deficiencies to the supervisors of the county in which such deficiency shall arise, who shall thereupon assess, levy and collect the same upon the principles aforesaid, and pay the same over to the loan-officers of the said county of Clinton; and the future meetings of the loan-officers of the county of Clinton for the discharge of the duties enjoined by the act, entitled *An act for loaning monies belonging to this state*, shall be at the court-house in the town of Plattsburgh; and it shall be the duty of the supervisors of the said counties of Clinton and Essex respectively, at their annual meeting on the last Tuesday of May in every year, to nominate and appoint a committee of three of their board in each county, who shall, in conjunction with one judge of the court of common pleas from each of the same counties respectively, meet together at the court-house in Plattsburgh, on the first Tuesday of October in every year, and they, or a majority of them, shall then and there do and perform the duties enjoined on the judges and supervisors of the former county of Clinton, by the twentieth section of the said last recited act.

Hudson's River.

THIRTEENTH SESSION. CHAP. XLIV.

An ACT to improve the Navigation of Hudson's River.

Passed 2d April, 1790.

Proprietors
of certain isl-
ands, &c. may
make obstruc-
tions in the
waters adja-
cent thereto.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the proprietors of the islands commonly called Mill's island, and the island called Papskni, and the proprietors of the soil on the main land adjacent to the said islands respectively, or any of them, to obstruct the passage of the water passing between the said islands and the main land, by placing causeways or other obstructions as to them shall seem proper, or for any other person or persons, by and with the consent of such owner

and owners, to make such obstructions as aforesaid ; *Provided always*, That such obstructions shall be erected at the expense of such owner or owners of the soil, as shall agree thereto, or at the expense of such person or persons as shall obtain licence from such owner or owners for the purpose of erecting such obstructions, and on such terms and conditions as the contracting parties may agree upon.

An ACT to improve the Navigation of Hudson's River in the Places therein mentioned.

Passed 1st April, 1796. Session 19, ch. 40.

[Part of this act is obsolete and part repealed by 22d sect. ch. 40, sect. 7.]

An ACT supplementary to the Act, entitled "An Act to *Obsolete* improve the Navigation of Hudson's River, in the Places therein mentioned."

Passed 17th March, 1797. Sess. 20, ch. 39.

An ACT to amend the Act, entitled "An Act supplementary to the Act, entitled "An Act to improve the Navigation of Hudson's River, in the Places therein mentioned." *Obsolete*

Passed February 8th, 1799. Sess. 22, ch. 11.

An ACT to improve the Navigation of Hudson's River between the Villages of Lansingburgh and Troy.

Passed March 1st, 1799. Sess. 22, ch. 20.

[The 3d sect. is repealed by act 23d sect. ch. 119, and the residue is temporary and will expire 1st Nov. 1802.]

An ACT making further Provision for improving the Navigation of the Hudson's River between the City of Albany and the Village of Waterford. *Temporary*

Passed 14th March, 1800. Sess. 23, ch. 25.

An ACT authorizing the Trustees of the Village of Lansingburgh to hold Lands in the Town of Troy, and for other Purposes therein mentioned.

Passed 8th April, 1800. Sess. 23d, ch. 119.

[The 1st sect. did not relate to the subject, and the residue is temporary.]

An ACT further to amend the Act, entitled "An Act making further Provision for improving the Navigation of the Hudson's River, between the City of Albany and the Village of Waterford. *Temporary*

Passed 6th April, 1801. Sess. 24, ch. 157.

Inland Navigation.

FIFTEENTH SESSION. CHAP. XL.

An ACT for establishing and opening Lock Navigations within this State.

Passed 30th March, 1792.

Preamble.

WHEREAS a communication by water between the southern, northern and western parts of this state, will encourage agriculture, promote commerce, and facilitate a general intercourse between the citizens ; Therefore,

Two companies established for opening inland navigation.

Name and style of the same.

Stock of said companies to consist of 1000 shares each.

Commissioners named.

Their duty.

*I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That there shall be established two companies of stockholders, one for the purpose of opening a lock navigation from the now navigable part of Hudson's river to be extended to Lake-Ontario and to the Seneca-lake, and to be called and known by the name of "The president, directors and company of the western inland lock navigation in the state of New-York," and one other company for the like purpose from the now navigable part of Hudson's river to Lake-Champlain, and to be called and known by the name of "The president, directors and company of the northern inland lock navigation in the state of New-York ;" that the capital stock of the said western company shall consist of one thousand shares, and the capital stock of the said northern company shall consist of one thousand shares ; and that subscriptions for shares in the said companies respectively, shall be taken in manner following, to wit : Samuel Jones, David Gelston, Comfort Sands, Melancton Smith and Nicholas Hoffman, or any three of them, shall be a board of commissioners for taking subscriptions in the city of New-York ; and Abraham Ten Broeck, John Tayler, Philip S. Van Rensselaer, Cornelius Glen and John Ten Broeck, or any three of them, shall be a board of commissioners for the like purpose in the city of Albany ; and each board shall provide two books, one for the western and one for the northern navigation, and shall enter in each book as follows : " We whose names are hereunto subscribed, do, for ourselves and for our legal representatives, promise to pay to the president, directors and company of the inland lock navigation, in the state of New-York, established and incorporated by the act, entitled *An act for establishing and opening lock navigations within this state*, such sums of money for each share, which we or our legal representatives shall from time to time hold in the said corpora-*

tion, in such proportions and at such time and times as the president and directors aforesaid shall direct and require, in addition to the sums which shall have been retained in the hands of the commissioners appointed by the said act." And the said boards of commissioners respectively, shall open the books for the taking in subscriptions for the purposes aforesaid, on the first Tuesday of May next, and shall take the subscription of every person who shall offer to become a subscriber, from day to day (Sundays excepted) until the last Tuesday of the said month, and the commissioners first above named, shall at least ten days previous to the first Tuesday of May, give notice of the day on which the subscription books shall be opened, and of the day inclusive on which they will close, in the newspaper printed by the printer to this state; and the other commissioners shall give the like notice, in at least one of the newspapers printed in the city of Albany, and another at Langsingburgh, in the county of Rensselaer; *Provided always*, That every subscriber shall at the time of subscribing, pay unto the said commissioners with whom he or she shall subscribe, the sum of twenty-five dollars, in gold or silver, bills of credit of this state, or notes issued by the bank of the United States, or the bank of New-York, for each share by him or her subscribed; and if any subscriber shall at the time of subscription, pay for more shares than shall eventually be certified by the said commissioners, then and in every such case, the commissioners shall retain no more of the subscription money in their hands than will amount to the shares so certified, at the rate of twenty-five dollars for each share, and return the overplus to the subscriber entitled thereto; *And provided further*, That within the period above mentioned, no person or body politic or corporate shall subscribe more than ten shares; and the commissioners by this act appointed in the city of Albany, or any three of them, shall on the day next after the last Tuesday of May, or as soon thereafter as may be, certify under their hands and seals, to the commissioners appointed in the city of New-York, a true list of the subscribers in their books with the true number of shares subscribed by each; and if it shall appear to the commissioners appointed in the city of New-York, or to any three of them, that one thousand shares have not been subscribed to each company, they shall by advertisement, to be published in the newspaper of the printer to this state, give notice, that on a day certain, which day shall not be less than eight days from the first publication of such notice, their books will again be opened, and that they will continue to receive subscriptions from day to day, for the space of four days, or until one thousand shares in the whole have been subscribed; and on such last subscription any person or body politic or cor-

Subscribers to
pay 25 dolls.
for each share
on subscribing

Shares limit-
ed to each
subscriber.

Further pro-
ceedings
therein.

porate may subscribe any number of shares at pleasure, not exceeding the deficiency, and if at the end of the said four days, one thousand shares shall not be so subscribed, then the books shall be closed, and it shall and may be lawful for each of the said companies, after they shall have become incorporated in manner herein prescribed, to take in subscriptions for the deficient shares or not, as to the stockholders of each of the said corporations shall seem proper ; but if it should appear to the said commissioners first herein mentioned, that on the said last Tuesday of May, the aggregate of all the shares subscribed exceed one thousand, the excess shall be deducted from the respective subscribers to each company, in the manner following, to wit :

1. If the whole number of subscribers amount to one thousand, whatever may be the number of shares subscribed, each subscriber shall be entitled to one share.

2. If the whole number of subscribers exceed one thousand, it shall be determined by lot by the said commissioners, which of the subscribers shall be entitled to a share and which not.

3. If the number of subscribers are less than one thousand, and the number of shares by them subscribed exceed one thousand, then those who have only subscribed one share shall be entitled to such share, and the remaining subscribers shall be classed into nine classes, one class to consist of all those who have subscribed two shares, one class of those who have subscribed three shares, one class of those who have subscribed four shares, one class of those who have subscribed five shares, one class of those who have subscribed six shares, one class of those who have subscribed seven shares, one class of those who have subscribed eight shares, one class of those who have subscribed nine shares, and one class of those who have subscribed ten shares ; after which the shares to be deducted from each class shall be determined by the following rule, to wit : As the aggregate of all the shares subscribed by the nine classes is to the excess above one thousand, so is the aggregate of the shares subscribed by any class to the shares to be deducted from that class ; the aggregate deduction to be made from each class being thus determined, if such aggregate is less than one share for each subscriber, it shall be determined by lot, which of the subscribers shall hold two shares ; if such aggregate is more than one share to each subscriber, it shall be determined by lot which of the subscribers shall hold one share ; and the like rule shall be applied to the deduction in each of the other eight classes ; and the said commissioners appointed in the city of New-York, shall then make out full and perfect lists of all the subscribers to the stock of each company respectively, with the

number of shares to which each subscriber is entitled, and having acknowledged the same before the chancellor, or one of the judges of the supreme court, they shall deliver the same to the person administering the government of this state for the time being, and if it shall appear to him, that five hundred shares are subscribed to the company, to be known by the name of "The president, directors and company of the western inland lock navigation in the state of New-York," he shall direct the list to be filed and entered of record in the secretary's office of this state; and if it shall appear to him, that five hundred shares are subscribed to the company, to be known by the name of "The president, directors and company of the northern inland lock navigation in the state of New-York," he shall give like directions to the said secretary, relative to the list thereof.

II. *And be it further enacted by the authority aforesaid,* That immediately from and after the filing and recording in manner aforesaid the list of subscribers to the western company, the persons therein named as subscribers, whilst they continue stockholders therein, and all others who shall become stockholders therein, shall be and are hereby created and made a corporation and body politic, in fact and in name, by the name and style of "The president, directors and company of the western inland lock navigation in the state of New-York," and that by that name, they and their successors for ever shall and may have perpetual succession; and that immediately from and after the filing and recording in manner aforesaid the list of subscribers to the northern company, the persons therein named as subscribers, whilst they shall continue stockholders therein, and all others who shall become stockholders therein, shall be and are hereby created and made a corporation and body politic, in fact and in name, by the name and style of "The president, directors and company of the northern inland lock navigation in the state of New-York," and that by that name they and their successors for ever shall and may have perpetual succession, and by those names shall be and hereby are respectively made persons able and capable in law, to have, purchase, receive, possess, enjoy and retain to them and to their respective successors, lands, rents, tenements, hereditaments, goods, chattels and effects of what kind, nature or quality soever, to the amount of three hundred thousand dollars each, and the increase and profits thereof, and of enlarging the same from time to time, by additional payments of the stockholders in such companies respectively, and in such manner and form as they shall think proper, if such additional payments shall be found necessary to fulfil the end and intent of the incorporations hereby created and made, and hereinafter particularly specified and directed, and

Said companies when to become incorporated.

Their corporate powers.

to no other use, intent and purpose whatsoever ; and the same estate or estates, or any part thereof, to sell, grant, demise, alien or dispose of ; to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in courts of record, or any other place whatsoever ; and also to make, have and use a common seal, and the same to break, alter or renew at their pleasure ; and also to ordain, establish and put in execution, such byelaws, ordinances and regulations, as shall seem necessary and convenient for the government of the said corporations respectively, not being contrary to the laws of this state or to the constitution thereof ; and generally to do and execute all and singular acts, matters and things, which to them it shall or may appertain to do ; subject nevertheless, to the rules, regulations, restrictions, limitations and provisions herein prescribed and declared.

Thirteen directors annually to be chosen.

III. *And be it further enacted by the authority aforesaid,* That for the well ordering of the affairs of the said corporations respectively, there shall be thirteen directors for each corporation, of whom there shall be an election after the present year, on the first Monday in May in every year, by the stockholders and proprietors of the capital stock of each of the said corporations, and by a plurality of votes actually given by such stockholders in person, or by their legal proxies, and those who shall be duly chosen at any election, shall be capable of serving as directors by virtue of such choice, until the end or expiration of the first Monday of May next ensuing the time of such election and until others are duly elected in their places ; and the said directors, at their first meeting after each election, shall choose one of their number as president ; *Provided always,* That out of the following persons in this proviso named, thirteen, and in the order in which they are named if so many of them shall appear to be stockholders from the record of the certificate herein before mentioned, shall be, and hereby are appointed the first directors of the corporation, by virtue of this act, to be instituted by the name of "The president, directors and company of the western inland lock navigation in the state of New-York," that is to say, Philip Schuyler, Leonard Gansevoort, Jeremiah Van Rensselaer, Elkanah Watson, John Tayler, Jellis A. Fonda, William North, Goldsbrow Banyar, Daniel Hale, John Watts, Walter Livingston, Dominic Lynch, James Watson, Matthew Clarkson, Ezra L'Honnemedieu, Melancton Smith, David Gelston, Stephen Lush, Cornelius Glen, Silas Talbot, John Frey, Douw Fonda, John Sanders, Nicholas I. Roosevelt, Daniel M'Cormick, Marinus Willet, Jonathan Lawrance, Philip Van Cortlandt and James Clinton ; and that out of the following persons in this proviso named, thirteen, and in the order in which they are named, if so many of them shall appear

First directors named.

Change to 7. all are such shall vote

to the stockholders from the record of the certificate herein before mentioned, shall be and hereby are appointed the first directors of the corporation, by virtue of this act, to be instituted by the name of "The president, directors and company of the northern inland lock navigation in the state of New-York," that is to say, Philip Schuyler, Abraham Ten Broeck, John Williams, Stephen Van Rensselaer, Jacobus Van Schoonhoven, John Van Rensselaer, Abraham G. Lansing, Cornelius Glen, Henry Quackenbush, Robert R. Livingston, Philip Livingston, James Duane, Alexander M'Comb, Samuel Jones, Nicholas Low, Dirck Lefferts, William Duer, Peter Van Ness, Barent Bleecker, Henry Livingston, Peter Gansevoort, Peter B. Tearse, Alexander Webster, George Wray, Thomas Tillotson, Matthew Scott, Zephaniah Platt, John Thurman, Albert Pawling and Zinah Hitchcock ; and if there shall not be thirteen stockholders amongst the persons whose names are mentioned, and out of which directors are to be taken in manner aforesaid for each of the said corporations respectively, then the deficiency in each shall be chosen in manner following, that is to say : The said commissioners first in this act above mentioned, or any three of them, shall immediately after the filing and recording the certificate herein before mentioned, appoint a time when, and a place where, an election shall be held for electing directors for each company, and shall give at least twenty days notice of such time and place, by publishing in the newspaper printed in the city of New-York by the printer to the state, and in at least one of the newspapers printed in the city of Albany or at Lansingburgh, at which time and place directors shall be chosen in manner above described, and at which election the said commissioners in the city of New-York, or any three of them, shall preside ; and a list of the directors of each corporation so chosen, shall be by them the said commissioners, published in the newspapers in manner aforesaid, and shall by the said commissioners, be requested to meet on a day and at a place certain, to be therein mentioned ; and being so met, they shall choose one of their body to be the president, and the directors and president so chosen shall continue in office until the end of the first Monday in May next ensuing such election, and until others are duly elected in their places ; *Provided always*, That in case it should at any time happen, that an election of directors should not be made upon any day when pursuant to this act it ought to have been made, neither of the said corporations shall for that cause be deemed to be dissolved, but it shall be lawful, on any other day, to hold and make an election of directors, in such manner as shall have been regulated by the laws and ordinances of the said corporations respectively ; *And provided also*, That in case of

R
vacancies
how filled up

The Director

President and
directors to
convene spe-
cial meetings.

the death, resignation, absence from the state, or removal of a director by the stockholders, his place may be filled up by ~~a new choice~~ for the remainder of the year, by election at a special meeting to be held for that purpose.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the presidents and directors of the said incorporations respectively, to convene special meetings of the stockholders, whenever such meetings shall appear necessary, giving at least fifteen days notice thereof in the newspapers in manner herein before directed.

Directors to
appoint their
officers, &c.

V. *And be it further enacted by the authority aforesaid,* That the directors for the time being of each of the said corporations respectively, shall have power to appoint such officers, agents, clerks, superintendents, engineers, workmen and others under them as shall be necessary for executing the business of the said corporation, and to allow to them such compensation for their services respectively as the said directors shall deem reasonable and proper, and shall be capable of exercising such other powers and authorities for the well governing and ordering of the affairs of the said corporation, as shall be described, fixed and determined by the laws, regulations and ordinances of the same, not contrary to or inconsistent with the constitution and laws of this state.

Rules and
regulations of
each incorpo-
ration.

VI. *And be it further enacted by the authority aforesaid,* That the following rules, restrictions, limitations and provisions, shall form and be fundamental articles of each of the said corporations, viz. First, the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold in the proportions following, that is to say: For one share and not more than two shares, one vote; for every two shares above two and not exceeding ten, one vote; for every four shares above ten and not exceeding thirty, one vote; for every six shares above thirty and not exceeding sixty, one vote; for every eight shares above sixty and not exceeding one hundred, one vote; and for every ten shares above one hundred, one vote; but no person, copartnership or body politic, shall be entitled to a greater number than ~~thirty~~ votes, and after the first election no share or shares shall confer a right of suffrage, which shall not have been holden three calendar months previous to the day of election; stockholders actually resident in this or any of the United States, and none other, may be directors; Second, not more than three-fourths of the directors in office, exclusive of the president, shall be eligible for the next succeeding year, but the director who shall be president at the time of an election may always be re-elected; Third, no director shall be entitled to any emolument unless the same shall have been or shall be allowed by the stockholders at

Blank

4 a general meeting, the stockholders shall make such compensation to the president for any extraordinary attendance as shall appear to them reasonable ; Fourth, not less than ~~seven~~ directors shall constitute a board for the transaction of business, ~~of whom the president shall always be one, except in the case of sickness or necessary absence, in which case his place may be supplied by any other director whom he by writing under his hand shall nominate for the purpose ;~~ Fifth, any number of stockholders not less than ~~sixty~~ who together shall be proprietors of ~~two hundred~~ shares or upwards, shall have power at any time to call a general meeting of the stockholders for purposes relative to the institution, giving at least ~~twelve weeks~~ notice in at least one newspaper printed in the city ~~of New York,~~ and in at least one newspaper printed in the city ~~of Albany~~ and in the town of ~~Troy,~~ in Rensselaer county, specifying in such notices the object or objects of such meeting ; Sixth, every treasurer before he enters upon the duties of his office, shall give bond with two or more sureties to the satisfaction of the directors, and in such sum as the directors shall think proper ; Seventh, the lands, tenements and hereditaments which it shall be lawful for the said corporations respectively to hold, shall be only such as shall be requisite for the immediate purpose for which those corporations have been created and made, and such other as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts ; Eighth, no bank shall be established by either of the said corporations, nor shall either of them enter into any money negotiations, other than such as shall be immediately incident to the purposes for which the said corporations have been instituted, nor shall either of the said corporations be stockholders in any bank whatsoever, nor shall they or either of them deal in or hold any stock of funded or other debt of the United States, or of this state, or any other state whatsoever ; Ninth, the stock of the said corporations respectively shall be assignable, and transferable according to such rules as shall be instituted in that behalf by the laws and ordinances of the same ; Tenth, all bills or notes which may be given by either of the said corporations or their directors signed by the president, and countersigned by the treasurer or principal clerk, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of the corporation issuing the same, shall be binding and obligatory upon the same, in like manner and with the like force and effect as upon any private person or persons, if issued by him, her or them, in his, her or their private or natural capacity or capaci-

ties and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons, that is to say : those which shall be payable to any person or persons, his, her or their order, shall be assignable by indorsement, in like manner and with like effect as promissory notes now are, and those which are payable to bearer, shall be negotiable and assignable by delivery only ; *Provided always*, That no such bills or notes shall be issued, which shall not specify the particular service or article for which they were paid ; *And provided also*, That the article or services for which they are issued, were articles used or to be used for the purposes of the institution, or services performed therefor ; Eleventh, ~~half~~ yearly dividends shall be made by each of the corporations, of all the net annual income thereof amongst the stockholders, in proportion to their respective shares, and no transfer of any share shall be made in any other manner than shall be directed by the president and directors of such company respectively.

Corporation
to enter upon
any lands ne-
cessary to
make their
canals.

VII. *And be it further enacted by the authority aforesaid*, That each of the said corporations, by the president and directors, or by any agent, superintendent, engineer or other person employed in the service of such corporation, may enter into, and upon all and singular the land and lands covered with water, where they shall deem it proper to carry the canals and navigation herein before particularly assigned to each of the said corporations, and to lay out and survey such routes and tracts as shall be most practicable for effecting navigable canals as aforesaid, by means of locks and other devices, doing nevertheless as little damage as possible to the grounds and inclosures in and over which they shall pass, and thereupon it shall and may be lawful, to and for the said presidents and directors respectively, to contract and agree with the owners of any lands and tenements for the purchase of so much thereof as shall be necessary for the purpose of making, digging and perfecting the said canals, and for erecting and establishing all the necessary locks, works and devices to such navigation belonging, if they can agree with such owners.*

VIII. *And be it further enacted by the authority aforesaid*, That whenever any or either of the said canals shall cross any public or private road or highway laid out and established according to law, or shall divide the grounds of any person, so as to require a ford or bridge to cross the same, the jury who shall enquire of the damages to be sustained in manner herein directed, shall find and ascertain whether a passage across the same shall be admitted and maintained by a ford or by a bridge, and on such finding, the president and directors of the corporation to whom such canal shall belong, shall cause a ford to be rendered

Where a ca-
nal crosses
a public road,
&c. corpora-
tion to build
a bridge or
ford and keep
the same in
repair.

* Residue of this section repealed by act 21st sess. ch. 101. E.

passable, or a bridge fit for the passage of carts and waggon to be built and for ever thereafter maintained and kept in repair at all and every of the places so ascertained by the said jury, at the costs and charges of such corporation ; but nothing herein contained shall prevent any person from erecting and keeping in repair any ford or bridge across either of the said canals, at his own expense, where the same shall pass his ground ; *Provided*, Such bridge shall be of such height above the water as shall be usual in the bridges erected by the corporations to whom such canals belong ; *And provided also*, That such ford or bridges so to be erected by the owners of such land, shall not interfere with any of the locks, buildings or other works of the said corporation.

IX. *And be it further enacted by the authority aforesaid*, That the president and directors of each of the said corporations shall have power and authority, from time to time, to fix the several sums of money which shall be paid by the subscribers or holders of every share of the stock of the said corporations respectively, in part of the sum subscribed, and the time when each and every of the dividends or parts thereof shall be paid, and the place where they shall be received ; and shall give at least thirty days notice, in two of the public newspapers, one of which notices to be published in the city of New-York in the newspaper printed by the printer to this state, and the other in the city of Albany, of the sum or dividend and the time and place of receiving the same ; and if any stockholder shall neglect to pay such proportions, at the place or places aforesaid, for the space of thirty days after the time so appointed for paying the same, every such stockholder shall, in addition to the dividend so called for, pay after the rate of seven per cent for every month's delay of such payment ; and if the same and the additional percentage shall not be paid within one year after the same ought to have been paid, then and in such case the share or shares on which such payment shall be due, shall be forfeited to the use of the stockholders of the corporation of which such defaulting stockholder is a member, and may and shall be sold by the said corporation to any person or persons willing to purchase for such prices as can be obtained therefor.

President and directors to fix the sum to be paid on each share of the capital stock and the time & place.

Penalty on stockholders neglecting to pay the same.

X. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful to and for the president and directors of each of the said corporations respectively, and their superintendents, engineers, artists, workmen and labourers, with carts, waggons and other carriages, with their beasts of draft and burthen, and all necessary tools and implements, to enter upon the lands contiguous or near to the tracts of the intended canals and navigation, first giving notice of their intentions to the owners there-

President and directors with their workmen and carriages may enter on lands near the canals on making good the damages.

of, and doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damages that may be sustained by the owners of such ground, by appraisement, in manner hereinafter directed, and upon a reasonable agreement with the owners, if they can agree, or if they cannot agree, then upon an appraisement to be made upon the oath of three, or if they disagree, any two indifferent freeholders to be mutually chosen, or if the owners neglect or refuse to join in the choice, to be appointed by any justice of the peace of the county, and on tender of the appraised value, to carry away any timber, stone, gravel, sand or earth there, being most conveniently situated for making or repairing the said canals and navigation, and to use the same in carrying on the said works.

To appoint
toll-collectors
and to ascertain
the toll.

XI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the said president and directors of each of the said corporations, as soon as the said canals and navigation, or any part of either of them shall be perfected, to appoint such and so many collectors of toll for the passage of boats and vessels in, through and along the same, and in such places as they shall think proper; and that it shall and may be lawful to and for such toll-collectors and their deputies, to demand and receive of and from the persons having the charge of all boats and vessels, and rafts of timber, boards, plank, or scantling passing through the said canals and navigation, and the locks thereto belonging, such toll and rates for every ton weight of the ascertained burthen of the said boats and vessels, and for every hundred feet cubic measure of timber, and one thousand feet board measure of boards, plank or scantling in rafts, as the said president and directors of each corporation shall think proper, at any lock or other convenient place; *Provided,* That the amount of all the tolls accruing to the corporation, hereby made and created by the name of "The president, directors and company of the western inland lock navigation in the state of New-York," and arising from the use of the said navigation, wherever the same may be, between the navigable waters of Hudson's river and the Seneca-lake and Lake-Ontario, shall not exceed in the whole the sum of twenty-five dollars for every ton of the burthen of such boat or vessel, and so in proportion for every hundred feet cubic measure of timber, and one thousand feet board measure of boards, plank or scantling, and so in proportion for any smaller distance and less number of locks in any interval between the said river and lake; *And provided also,* That the amount of all the tolls accruing to the corporation hereby made and created by the name of "The president, directors and company of the northern inland lock navigation in the state of New-York," and

Toll not to
exceed a cer-
tain amount.

arising from the use of the said navigation, wherever the same may be, between the navigable waters of Hudson's river and Lake-Champlain, shall not exceed in the whole the sum of twenty dollars for every ton of the burthen of such boat or vessel, and so in proportion for every hundred feet cubic measure of timber, and one thousand feet board measure of boards, plank or scantling, and so in proportion for any smaller distance and less number of locks in any interval between the town of Troy, near the said river, and the said lake ; *Provided always*, That all boats of a burthen less than a ton, and using either of the said canals shall pay the toll for a ton.

XII. And in order to ascertain the tonnage of boats, using the said canals and navigation, and to prevent disputes between the supercargoes and the collectors of tolls concerning the same, *Be it further enacted by the authority aforesaid*, That upon a request of the owner or supercargo of such boat or raft, or of the collector of the said tolls, at any lock upon either of the said canals and navigation, it shall and may be lawful for each of them to choose one person to measure and ascertain the number of tons which the said boat or vessel is capable of carrying, and to mark the same in figures upon the head and stern of the said boat, in colours mixed with oil, and that the said boat or vessel so measured and marked, shall always be permitted to pass through the said canal and locks for which it shall be so marked, for the price per ton to which the number of tons so marked on her shall amount unto, agreeably to the rates fixed in the manner aforesaid, and if the owner or commander, or supercargo of such boat or vessel shall decline choosing a person resident within four miles of the place where such toll is payable, to ascertain the tonnage thereof, then the amount of such tonnage shall be fixed and ascertained by a person to be appointed for that purpose, by the collector of tolls at the lock where the toll is payable as aforesaid, and the said toll shall be paid according to such measurement before any such boat or vessel shall be permitted to pass the lock or place where such toll shall be made payable.

XIII. *And be it further enacted by the authority aforesaid*, That if any person or persons whatsoever, shall wilfully and knowingly do any act or thing whatsoever, whereby the said navigation, or any lock, gate, engine, machine, or device thereto belonging, shall be injured or damaged, he or they so offending shall forfeit and pay to the corporation to which the injury is done, fourfold the costs and damages by them sustained by means of such known and wilful act, together with costs of suit in that behalf expended, to be recovered by action of debt in any court having jurisdiction competent to the sum due.

Tonnage of
boats how as-
certained.

Penalty on
persons wil-
fully damag-
ing said locks
or navigation.

Toll-collectors may prevent the passage of any boat till the toll is paid.

Or distrain for the same.

Certain officers to give bonds to the president and directors for the faithful performance of their trusts.

President and directors to keep a just and true account of all monies received and expended by them, &c.

When if 1000 shares are found insufficient they may increase the same.

XIV. *And be it further enacted by the authority aforesaid,* That the collectors of toll, duly appointed and authorized by the president and directors of either of the said corporations, may stop and detain all boats and vessels using the canals and navigation to which they respectively belong, until the owner or commander, or supercargo of the same, shall pay the toll so as aforesaid fixed, or may distrain part of the cargo therein contained, sufficient by the appraisement of two credible witnesses, to satisfy the same, which distress shall be kept by the collector of the tolls taking the same, for the space of eight days, and afterwards be sold by public vendue, at the most public place in the neighbourhood, to the highest bidder, in the same manner and form as goods distrained for rent are by law sold, rendering the surplus on demand, if any there be, after payment of the said toll and the costs of distress and sale, to the owner or owners thereof.

XV. *And be it further enacted by the authority aforesaid,* That the president and directors of the said corporations respectively, may demand and require of and from their treasurers, and of and from all and every of the superintendents, officers and other persons by them employed, bonds in sufficient penalties and with such sureties as they shall by their rules, orders and regulations require for the faithful discharge of the several duties and trusts to them, or any or either of them respectively committed.

XVI. *And be it further enacted by the authority aforesaid,* That the president and directors of each of the said corporations shall keep just and fair accounts of all monies received by them from the subscribers to the said undertaking, for their subscription thereto, and all penalties for delay or non-payment thereof, and of all monies by them expended in the payment of the costs and charges of procuring and purchasing all estates, rights and titles in the said corporations respectively, to be vested in pursuance of this act, or by any other means, and in paying their several officers by them to be appointed, and the wages of their different engineers, artists, workmen and labourers by them to be employed, and for the materials and work furnished and done in the prosecution of the works projected by the said corporations respectively, and each of them shall once at least every year, submit such account to the general meeting of the stockholders, until the said canals and rivers therewith connected shall be rendered navigable, and until all the costs, charges and expenses of effecting the same shall be fully paid and discharged, and the aggregate amount of such expenses shall be liquidated; and from and after the liquidation thereof, if the ~~one thousand~~ shares above mentioned for each or either of the said corporations shall not be sufficient, it shall and may be lawful to and for the said president and directors

of the said corporations respectively, at the general meeting of the stockholders, held in pursuance of the preceding provisions, or called by the president and directors for the special purpose, by public notice in two newspapers in manner aforesaid (which shall be given three months previous to the opening of the said subscriptions) to increase the number of shares to such extent as shall be deemed sufficient to accomplish the objects of this act, to demand and receive such additional subscriptions from the former, or in case of their neglect or refusal, from new subscribers, and upon such terms and in such manner as by the said general meeting or meetings shall be agreed upon ; and the said president and directors of the said corporations respectively, shall also keep just and true accounts of all and every the monies received by their several and respective collectors of toll in and through the said canals and navigation, and shall make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted) among all the stockholders of the stock of the said several corporations, and shall on every the second Mondays in June and December, in every year, publish in manner aforesaid the half yearly dividend to be made of the said clear profits to and amongst their stockholders respectively, and of the times and places when and where the same shall be paid, and shall cause the same to be paid accordingly.

To keep regular accounts of all tolls received and to publish half yearly dividends thereof.

XVII. *And be it further enacted by the authority aforesaid,* That at the end of ten years after the said navigation respectively shall be completed, the corporations respectively shall render an abstract of the accounts to the legislature for the three last years of the said ten ; and if it shall then appear that the clear profits and income will bear a dividend of any rate on the principal sum expended, exceeding ten and not exceeding twenty-five per cent, each of the said companies shall continue the tolls on which such dividend has arisen, for such a term of years as to produce to them respectively an interest at the rate of ten per centum per annum, on the principal sum of their expenditures, such interest being computed on the several payments of the principal from the time and times they were respectively made, until it shall be produced as above said, after which the tolls shall be so reduced as to divide a clear profit, not exceeding fifteen per cent, and if such dividend shall exceed fifteen per cent, the excess shall be paid into the treasury of this state ; and from and after the time and times when the said companies respectively shall render an abstract of the accounts as aforesaid, they shall once at least in every three years render to the legislature an account of the tolls they may have collected, and the sums expended during the years next preceding, so that the clear profits of the companies respectively may in any year be known to the legislature.

Corporations to render an abstract of their accounts to the legislature.

Charter of
the western
company
when void.

XVIII. *And whereas*, any unnecessary delay in prosecuting the object for which the said corporations have been made and created, will be detrimental to the community ; Therefore, *Be it further enacted by the authority aforesaid*, That if the corporation hereby made and created by the name of "The president, directors and company of the western inland lock navigation, in the state of New-York," shall not within the term of five years, to be computed from the first day of January next, complete so much of the said navigation as is between the south bounds of the town of Schenectady and the waters of Wood-creek, in such manner as that boats drawing when loaded two feet of water, and of the length of forty feet, and of the breadth of twenty feet, may ascend and descend the Mohawk-river, in every part of the said river between the town of Schenectady and the waters of Wood-creek, that then and in such case, this act, so far forth as relates to the said corporation, shall cease and become null and void, and all the rights hereby vested in the said corporation shall revert to the people of this state, any thing herein contained to the contrary notwithstanding ; and if within the term of fifteen years, to be computed from the said first day of January next, the said navigation shall not be continued down the said Wood-creek and extended to Lake-Ontario and to the Seneca-lake, to carry boats of the burthen above mentioned, then it shall be the duty of the attorney-general of the state for the time being, *ex officio*, to file an information in the supreme court of this state against the said corporation, and if upon the traverse it shall be found that the said corporation hath not extended the said navigation, in manner aforesaid, down the said Wood-creek, and as far as to the Seneca-lake and Lake-Ontario, and judgment shall be given in favor of the people of this state, thenceforth the powers and rights vested in the said corporation, so far forth as relates to the extension of the said navigation from the said Wood-creek to the said lakes, shall cease, determine and be null and void, any thing in this act to the contrary hereof notwithstanding.

Charter of
the northern
company
when void.

XIX. *And be it further enacted by the authority aforesaid*, That if the corporation by this act made and created by the name of "The president, directors and company of the northern inland lock navigation in the state of New-York," shall not within the term of fifteen years, to be computed from the first day of January next, complete the said navigation from a west line from the mouth of the creek on which the mill now in the possession of John Van Rensselaer stands in the town of Troy, to that part of the said town opposite to the north end of the house in the occupation of George Tibbets, so that vessels drawing four feet of water may pass at low water when loaded, and shall not

complete the navigation of Hudson's river from the point opposite to the said house in the occupation of the said George Tibbets to a point in Hudson's river where a canal from Wood-creek or any branch thereof shall intersect the said river, to carry boats of the burthen and dimensions specified in the last preceding section of this act, and shall not in like manner complete such canal and the navigation from Hudson's river to Lake-Champlain, that then, and in either of these cases, this act so far forth as relates to the said corporation last mentioned, shall cease and become null and void, and all the rights by this act vested in the said corporation shall revert to the people of this state, any thing herein contained to the contrary hereof notwithstanding; *Provided always*, That it shall be first found by information, traverse and judgment in manner aforesaid, that the said navigation has not been so completed.

XX. And for the encouragement of the said corporations respectively, and to enable them to prosecute the objects for which they were respectively instituted, with the greater dispatch and efficiency, *Be it further enacted by the authority aforesaid*, That it shall and may be lawful to and for the treasurer of this state for the time being, and he is hereby required whenever it shall be certified unto him by the person administering the government of this state for the time being, that it has appeared to him by satisfactory proof, that either of the said corporations hath actually expended and laid out in the prosecution of the said inland navigation the sum of twenty-five thousand dollars, to pay unto the president and directors of each of the corporations respectively, for the use of the stockholders thereof, as a free gift to them from the people of this state, in whose favor such certificate shall pass, the sum of twelve thousand five hundred dollars, out of any monies which may come into the treasury after the first day of October next; *Provided always*, That when such payment shall be made to the said corporations or either of them, they shall proceed in the objects of their institution until the said free gift shall be expended or laid out thereon, and in failure thereof the same shall be repaid into the treasury, any thing in this act to the contrary notwithstanding.

XXI. *And be it further enacted by the authority aforesaid*, That as soon as the said companies shall respectively be incorporated as aforesaid, the said commissioners shall, upon demand pay to the president and directors of each of the said corporations, the several sums by them received on taking the said subscriptions to the said companies respectively, and by them retained as aforesaid, for the use of the said corporations respectively to which the same shall be subscribed, after deducting thereout such

Treasurer of
this state on
the order of
the governor
to pay to the
said corpora-
tions a cer-
tain sum;

R
3
after
blanks are
subscribed
then
To be expend-
ed on such
navigation. *to pay*

As soon as
said compan-
ies become in-
corporated
commission-
ers to pay the
subscription
monies to
them.

contingent charges as they shall have incurred in the execution of the trusts committed to them by this act.

SIXTEENTH SESSION. CHAP. VIII.

An ACT to amend an Act, entitled "An Act for establishing and opening Lock Navigations within this State."

Passed the 22d December, 1792.

Preamble.

WHEREAS the president and directors of the company incorporated by the name and style of "The president, directors and company of the western inland lock navigation in the state of New-York," and the president and directors of the company incorporated by the name and style of "The president, directors and company of the northern inland lock navigation in the state of New-York," have respectively in behalf of the stockholders in the said companies, represented to the legislature, that by reason of sundry of the provisions, restrictions and limitations contained in the act, entitled "*An act for establishing and opening lock navigations within this state,*" passed the 30th day of March, 1792, the progress of the improvements to the internal navigation, for which the said companies were incorporated, will be greatly retarded if not entirely arrested, unless further legislative interference shall be interposed; to the end therefore that improvements, whose object is extensive benefit to the community, may not be impeded, and to render the advantages which are contemplated to result therefrom as mutual between the citizens at large and the said companies respectively as the nature of the case will admit:

Dimensions of
the canals.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the president and directors of the said corporations and their successors, severally and respectively, to construct any and every canal and lock which they may deem necessary to make, of any breadth at their option; *Provided,* That every such canal and lock shall not be less than ten feet broad at the bottom or base, nor any lock less than seventy feet long between the gates thereof: any thing in the said act to the contrary hereof notwithstanding.

Depth of
water in the
same.

II. *And be it further enacted by the authority aforesaid,* That if in the greater part of the time between the first day of March and the first day of December in every year, the water in the canals and locks to be constructed by the said presidents and directors, or by their successors respectively, and the water in the creeks and rivers into or through which vessels shall pass to and from any such canal or lock, shall be of such depth as that vessels drawing

two feet of water, when laden, can pass through, the incorporations aforesaid shall not cease, become void and forfeited, if in the residue of the period aforesaid there shall not be a sufficiency of water to permit vessels drawing two feet of water to pass through such canals, locks, creeks or rivers; any thing in the said act to the contrary notwithstanding.

III. *And whereas* by the seventh section of the said act it is enacted, that the said corporations, previously to their respectively entering upon any lands with intent to appropriate the same to the improvements for which the said incorporations were created, shall purchase such land, or shall cause the same to be appraised in manner directed by the said seventh section; *And whereas* before such appraisalment can be obtained much injury may be sustained by the said corporations, and the improvements by them intended arrested, to the detriment as well of the community as of the said corporations; For remedy whereof, *Be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for each of the said corporations, by its president and directors, or by any superintendent, agent or engineer, appointed under the seal of the said corporations respectively, to enter into and upon all and singular any land or lands, whether covered with water or not, which they or either of them may deem necessary for the prosecution of the improvements aforesaid, or whereon or whereby to construct any canal, lock, dyke, embankment, pond, dam or other work intended or permitted by the said act, and by this act to be so constructed, and that without the leave and permission of the owner or owners, proprietor or proprietors of such land first had and obtained; and having so entered, to dig, trench and use the said lands for the purposes aforesaid, together with one hundred feet more of such land on each side of any canal, lock, dyke, embankment, pond, dam or other device relative to the said improvements, and to appropriate the same land to such uses as to the said corporations respectively shall seem proper; any thing in the said act to the contrary hereof in any wise notwithstanding; *Provided nevertheless,* That in every case where such entry shall be made and occupancy had as before said on the part of the said corporations, or either of them, other than by and with the consent of the owner or owners, proprietor or proprietors of such land, it shall be and is hereby made the duty of the president and directors of the said companies severally, within forty days next after such entry has been made on the part of either of them, to solicit an appraisalment of the property so taken, and of the damages sustained by the party or parties from whom the same was taken in manner directed by the said seventh section; and in default of obtaining such writ as in the said seventh

Corporation may enter upon lands without the consent of the owners.

May take 100 feet of land on each side of the canals.

Appraisalment of property and damages to be made.

section is directed within the said forty days, the party or parties aggrieved shall be entitled to fourfold the amount of the damages sustained by such entry, taking and occupying, to be recovered in any court of record having cognizance thereof, with costs of suit; *Provided*, That the powers hereby granted to the said corporations of making entries into lands shall not continue beyond the completion of the said canals, or if not completed in the mean time beyond the period limited by the former act for completing the same, saving also to the proprietors of any lands that shall be contained within the one hundred feet aforesaid, the right of a way or ways to pass to and from his, her or their land, as is provided in and by the eighth section of the act hereby amended.

May erect
mills, &c.

IV. And for the further encouragement of the said corporations to prosecute the objects of their institution, *Be it further enacted by the authority aforesaid*, That it shall and may be lawful to and for each of the said corporations, at all times hereafter, and at any place where they shall have constructed a canal, lock, embankment, dyke, pond, dam or other improvement, to take and make use of the water contained therein, or in either of them, either for mills or any other hydraulic works, which the said corporations respectively may erect, or cause to be erected, or to let the use of such water to any person whomsoever, for the use of mills or other hydraulic works, or for irrigating any lands, or for supplying bleach-grounds, tan-pits, brick-yards, or to any other purpose to which such water is capable of being applied; and the net profits or rents resulting therefrom to distribute amongst the stockholders, in proportion to their respective shares, as a free gift from the people of this state, exclusive of and over and above the per centage which the said companies are by the said act permitted to divide, as arising from the toll mentioned in the said act; *Provided always*, That no such use shall be made of the water running through or standing in any canal, lock, river or creek, if the canal, lock, creek or river, at the place where such water shall be taken therefrom, shall by such use be rendered incapable of carrying vessels drawing two feet of water when laden; *And provided further*, That the monies which may be laid out or expended by either of the said companies on any special works which they may erect by virtue of this clause, shall not be considered as any part of the principal sum expended, on which the said companies are allowed by the act hereby amended to compute the interest which may be taken by them respectively.

Monies laid
out on special
works as part
of the principal
sums.

Certain land
under water
vested in said
corporation.

V. *And be it further enacted by the authority aforesaid*, That all the land under the water in the Mohawk-river which may be occupied by the corporation first above mentioned, for the purpose of constructing any canal, lock,

dyke, embankment or dam, for the improvement of the navigation thereof, shall be and hereby is vested in the said corporation and its successors, for and during the existence of the said corporation and no longer, and for the purposes aforesaid, as a free gift from the people of this state; saving and reserving to the people of this state the right to all lands under the water not so occupied as aforesaid, to be appropriated as the legislature shall from time to time direct; and that all the lands under the water in Hudson's river, which may in like manner be occupied by the said corporation last mentioned in the preamble to the first section of this act, shall in like manner be vested in the said corporation and its successors, and for the like purposes, and under the like saving and reservation, as a free gift from the people of this state.

VI. *Provided always, and be it further enacted by the authority aforesaid,* That no dam or dams shall be erected in Hudson's river, other than where a canal shall run from the water raised by such dam to communicate with the water below the water now navigable or to be rendered navigable by the said company, and such dams shall not be higher than is necessary for the works with which they are connected, and that nothing in this act shall be construed to prevent any person or persons from passing over such dam or dams with rafts of timber, boards or other lumber, when the water running over such dam or dams shall be of sufficient depths for the passage of such rafts, without injuring the dam or dams, and that without paying any toll for such passage: *And provided also,* That in every such dam across the said river, a flood-gate, sluice or other proper device shall be constructed to admit the passage of fish ascending the said river, and to be constantly kept open, except in winter, when, for the greater safety of the dam, gate, sluice or other device, the same may be closed; *And provided also,* That in every dam to be erected across the said rivers, Hudson or Mohawk, a flood-gate, sluice or other proper device, shall be constructed to admit the passage of fish ascending the said rivers: *And provided also,* That no net, seine, fuyck or other contrivance for taking fish or preventing their ascending the said rivers, shall be used or placed by any person or persons whomsoever, within the distance of five hundred yards of such sluice, gate or other device as aforesaid, under the penalty of ten pounds for every such offence, to be recovered with costs of suit, before any justice of the peace, by any person or persons who shall prosecute for the same, one half whereof shall be for the use of the poor of the town where such offence shall be committed, and the other half to and for the use of the person or persons who shall prosecute for the same.

No dam to be built in Hudson's river except as herein mentioned.

Corporation
may make
discrimina-
tion as to the
toll to be de-
manded.

VII. *And whereas* by the eleventh section of the said act, it is enacted, That the tolls on vessels passing through the said improved navigation, shall be computed according to the tonnage of such vessels, and that the toll on timber, boards, plank and scantling, shall be estimated in proportion to the toll on the tonnage of such vessels, by means whereof, as much toll may be exacted from vessels passing empty as from those full laden ; for remedy whereof, *Be it further enacted by the authority aforesaid,* That it shall be optional with each and either of the said corporations respectively to make such discrimination in the toll to be demanded for empty or for laden vessels as they shall think proper ; and that it shall be further in their discretion respectively to estimate and establish the toll to be taken for passing any lock or other improvement either according to the tonnage of vessels or rafts passing through or by the same, or by charging a specific toll on every particular article transported through such canal, lock or other improvement of the said navigation ; *Provided always,* That the aggregate toll on any particular articles, shall not exceed, upon a ton weight of such articles, the sum which the said corporations are respectively permitted to charge and take by the said eleventh section, any thing in the said act to the contrary hereof notwithstanding.

Annual elec-
tion when
held.

VIII. *And be it further enacted by the authority aforesaid,* That the annual election for directors in each of the said corporations respectively, in manner prescribed by the said act, shall henceforth be held on the second Tuesday of ~~January~~ in every year, and that the first election for directors shall be held on the second Tuesday of ~~January~~ next ensuing the passing of this act.

IX. *And be it further enacted by the authority aforesaid,* That no non-user or misuser, heretofore omitted, neglected or done, or which may hereafter and before the second Tuesday of January next ensuing the passing of this act, be omitted, neglected or done, shall operate so as to defeat or work an injury to either of the said corporations, any thing in the said act to the contrary notwithstanding.

Stock deem-
ed personal
property.

X. *And be it further enacted by the authority aforesaid,* That the stock, interest and shares of and in the said several corporations, shall be deemed and considered as personal property, to all intents and purposes whatsoever.

C H A P. XLIX.

An ACT further to amend the Law relative to Lock Navigation within this State.

Passed 9th March, 1793.

Preamble.

WHEREAS petitions have been presented to the legislature, praying for sundry amendments to the

act, entitled *An act to amend an act, entitled An act for establishing and opening lock navigations within this state ; And whereas, The president of the board of directors of the western and northern inland lock navigation companies, in their behalf, has signified to the legislature, that in his opinion the alterations herein after specified, may be made without materially injuring the important object for which the said companies were instituted ; Therefore,*

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the president and directors of the said companies shall not take and occupy a greater extent of land on each side of any canal, dyke or other work, incident to the object for which they were incorporated, than twenty feet beyond such work, except where any lock shall be placed, in which case they may take and occupy to the distance of one hundred feet from the side of such lock for the whole length of such lock, and for the distance of one hundred feet above and below such lock, if in their discretion they shall deem that extent requisite, and also except where a bridge is to be placed over any canal, in which case they may take and occupy one hundred feet from such canal, and for a space as wide as such bridge, if in their discretion they shall deem such extent requisite.

President and directors may occupy certain quantities of land on each side of any canal, &c.

+ R

II. And be it further enacted, That in all cases where it shall be requisite to appropriate any lands on which there may be any house or houses or other buildings, or to appropriate any lands which shall reach to or approach to or within fifty feet of any house or other building, which shall then be erected on a part of the land so to be appropriated by the said company, the president or an agent of such company shall give thirty days notice to the owner or owners, occupant or occupants thereof, before the president and directors of such company, or any or either of their agents shall take, use or occupy such land, any thing in this or any other law to the contrary notwithstanding.

To give 30 days notice in case of the appropriation of lands containing any building.

+ R

III. And be it further enacted, That in every dam that shall be constructed in the river Hudson by the said company, an aperture shall be so constructed as that not only rafts may descend with facility and safety, but that fish may ascend the river there-through or thereon ; and that no toll shall be taken for the passage of such rafts, nor any contrivance for taking fish by nets or otherwise shall be placed at such aperture by the said president and directors, or by any other person whomsoever, to impede or take fish at such aperture, or within five hundred yards above or below such aperture ; *Provided always,* That it shall be optional with the president and directors of the said company, to permit the passage of rafts or not as they shall deem proper through any canal, lock or other work

Dams how constructed.

Omit

to be erected or made in or by the river Hudson as aforesaid, other than through or over any dam in the said river; and if such permission shall be granted, the party giving and the party requiring the same, shall agree upon the quantum of toll for such raft, without any regard to the limitation of toll stipulated in the original act by which the said company was incorporated.

EIGHTEENTH SESSION. CHAP. XXXVIII.

An ACT for the more effectual Prosecution of the Improvements commenced by the Inland Lock Navigation Companies in this State.

Passed the 31st of March, 1795.

Preamble.

WHEREAS the directors of the inland lock navigation companies instituted by the legislature, have by their petition respectfully represented, that only seven hundred and forty-three shares in the western company, and six hundred and seventy-six in the northern company have been subscribed to the stock of the said companies, and that of those, about two hundred and forty in each company have become forfeited, by reason that the holders thereof have refused or neglected to pay the sum required of them in conformity to law; ~~by means~~ whereof the residue of the stock in both companies is now held by only one hundred and sixty-nine persons, who, although willing to prosecute the objects of the institutions with vigor and energy, are incapable to make the requisite advances, as the expense to be incurred on each share will be double of what was originally intended, occasioned by the deficit of the unsubscribed shares, and the forfeitures aforesaid, and have prayed legislative relief in the premises; *And whereas*, The legislature by the act of incorporation, intended that the stock of the said companies respectively should consist of one thousand shares, and that the objects of the institution were to facilitate the transportation of produce as an important mean to promote the agriculture and commercial interest of the state; Therefore,

Treasurer to
subscribe to
each company
two hundred
shares.

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the treasurer of this state, for the time being, and he is hereby required to subscribe two hundred shares to the stock of each of the said companies, and to pay the sum of twenty pounds on each share to the treasurer of the said companies, being a like sum as hath been paid by the existing stockholders thereof; and shall from time to time pay such further sum on each share so to be sub-

h +

scribed as the directors of the said companies shall from time to time require, to be paid by the other stockholders in the said companies respectively, and not otherwise.

II. *And be it further enacted by the authority aforesaid,* His privilege.
That the treasurer of this state for the time being shall have such and so many votes at any meeting of the stockholders, whether the same be for the purpose of choosing directors, or for any purpose for which any such meeting may be held, as any other stockholder is entitled to in conformity with the said act of incorporation ; and shall have, use and enjoy every privilege and advantage which the other stockholders are by law entitled to ; and shall from time to time take and receive the dividend or dividends to which the people of this state shall become entitled, out of every dividend or dividends hereafter to be made and to arise from the tolls or any other emoluments whatsoever.

III. *And be it further enacted by the authority aforesaid,* To inspect the proceedings of the directors and report the same to the legislature.
That whenever and as often as the said treasurer shall require an inspection of the proceedings of the directors, the same shall be permitted him ; and if he shall find that any measures have been pursued by the directors of either of the said companies, tending to the injury of the people of this state, as subscribers to the stock of the said companies, he shall report the same to the legislature at the first meeting thereof next after such discovery.

NINETEENTH SESSION. CHAP. LXI.

An ACT for loaning Money to the Directors of the Western Inland Lock Navigation Company in this State, and for other Purposes therein mentioned.

Passed the 11th of April, 1796.

WHEREAS the directors of the western inland lock navigation company in this state, have represented to the legislature, that they have determined in the present year to connect the waters of the Mohawk-river with those of Wood-creek by means of a canal and locks, and to prosecute other important improvements in the internal navigation ; but by reason that several of the stockholders are not in condition immediately to furnish their proportion of sums adequate for the purpose, have therefore respectfully intreated the aid of the legislature in the premises ; to the end therefore that improvements so important to the interest of the community may be accelerated,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the treasurer shall be and he is hereby directed to advance unto the said directors or to their order, the sum of fifteen thousand pounds out of any monies in the treasury unappropriated, and for

Preamble.
Treasurer to pay to the order of the directors a certain sum.

securing the repayment thereof into the treasury he shall take a bond and mortgage upon the real estate of the said company at the Little-Falls on the Mohawk-river, executed under the seal of the said company and countersigned by the president thereof, conditioned for the repayment of the said sum of fifteen thousand pounds on or before the first day of January, which will be in the year of our Lord one thousand eight hundred and three ; which mortgage after having been duly proved or acknowledged shall be recorded in the office of the secretary of this state, shall be of the same force and effect in the law as if the same were recorded in the county or counties where the lands so mortgaged do lie ; and on the further condition, that an interest of six per cent per annum on the said sum shall be annually paid into the treasury of this state until the complete repayment of the said principal sum shall be effected in manner aforesaid.

Powder to be delivered to them.

II. *And be it further enacted,* That it shall and may be lawful to and for the person administering the government of this state for the time being, to direct the keeper of the military stores belonging to this state to deliver to the order of the said directors such quantity of powder as he may think proper, not exceeding one ton and an half ; *Provided,* That previous to such delivery the said directors or some person on their behalf, shall give sufficient security to the people of this state, to be approved of by the person administering the government, to return the like quantity of powder and of equal quality to the state when required, and deposit such security with the treasurer of this state.

Obsolete.

An ACT providing a Mean for procuring a Sum to the Western Inland Lock Navigation Company, to enable them more effectually and speedily to prosecute the Improvements in the said Navigation.

Passed 17th March, 1797. Sess. 20, ch. 36.

TWENTY-FIRST SESSION. CHAP. XCII.

An ACT for opening the Navigation between Lake-Erie and Lake-Ontario.

Passed April 5th, 1798.

Preamble.

WHEREAS it has been represented to this Legislature, that it is practicable to make a canal navigation within this state between the waters of Lake-Erie and those of Lake-Ontario, and passing by the falls of Niagara ; *And whereas* such an establishment would tend greatly to facilitate and advance the internal commerce of this state, and promote the convenience and prosperity of the people thereof ; Therefore,

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That James Watson, Charles Williamson, John Williams, Ethingham Embree, and Benjamin Prescott, and such other persons as shall associate with them for the purposes of this act, shall be and they are hereby made, established and declared a company for the purpose of opening a canal and lock navigation between the waters of Lake-Erie and those of Lake-Ontario, to consist of stockholders to be called and known by the name of "The Niagara canal company."

James Watson and others established a company for certain purposes.

II. And be it further enacted, That such persons as shall become stockholders of the said company, shall be and they are hereby erected and made a corporation and body politic, in fact and in name, by the name and style of "The Niagara canal company," and by that name they and their successors shall and may have perpetual succession, and by that name shall be and are hereby made persons able and capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in courts of record or any other place whatsoever ; and also to have, make and use a common seal, and the same to break, alter or renew at their pleasure, and also to ordain, establish and execute such bye-laws, ordinances and regulations as shall seem necessary and convenient for the government of said corporation, not being contrary to the laws of this state or of the United States ; to determine the manner in which the shares of defaulting stockholders shall become forfeited, and the method of appropriating and disposing of the same, to appoint all necessary officers of said company, to prescribe the mode of conducting the business, and keeping the accounts of the said company, and generally to do and execute all acts, matters and things which to it shall or may appertain, subject nevertheless to the regulations, restrictions, limitations and provisions herein prescribed and declared.

Stockholders incorporated.

Their powers.

III. And be it further enacted, That the first meeting of the stockholders of the said company shall be at the city of Albany, on the third Monday of January, in the year of our Lord one thousand seven hundred and ninety-nine, and every subsequent meeting shall be at such time and place as shall be determined on at the meeting next preceding the same.

First meeting when and where to be held.

IV. And be it further enacted, That at all meetings of the stockholders of the said company, the presence of a majority of the whole company, either by themselves or their agents, shall be requisite in order to transact any business, except that of adjourning which may be done by a majority of the numbers present at the time ; that if at any time appointed for a meeting of the company, no stockholder shall attend, then the next regular meeting shall be at the place last adjourned to, on the third Monday of the next succeeding month.

A majority necessary to constitute a meeting.

Certain officers to be chosen.

Duty of the president.

Choice of officers how ascertained.

Votes how determined.

Stockholders may vote by proxy.

Canal how to be made.

Locks and dams how constructed.

Waters contained in such locks may be used for mills &c.

V. *And be it further enacted,* That for the management of the concerns of the said corporation, the said stockholders at their first meeting, or in case a majority shall not there appear, at the first adjourned meeting thereafter at which a majority shall appear, shall choose a president, a treasurer, a clerk and such number of directors as shall be judged to be necessary ; and that after the said third Monday of January first aforesaid, there shall be an election of directors on the third Monday of January in every succeeding year ; that the president shall have power to call special meetings of the directors, and together with any two of the directors to call special meetings of the stockholders whenever the same shall be deemed expedient.

VI. *And be it further enacted,* That until a majority of the stockholders shall have actually contributed all such sum or sums of money as shall be required of them as a first payment, in proportion to the stock by them respectively held, the choice of all officers and all other questions shall be determined by numbers simply ; and afterwards the number of votes to which each stockholder shall be entitled, shall be determined according to the number of shares he shall hold, in the proportions following : That is to say, for one share and not more than two shares, one vote ; for every two shares above two and not exceeding ten, one vote ; for every four shares above ten and not exceeding thirty, one vote ; for every six shares above thirty and not exceeding sixty, one vote ; for every eight shares above sixty and not exceeding one hundred, one vote ; and for every ten shares above one hundred, one vote ; but no person shall be entitled to a greater number than thirty votes.

VII. *And be it further enacted,* That the votes of the stockholders may be given by proxy ; but the authority of any person offering a vote in behalf of any absent stockholder, shall be proved in such manner as shall be prescribed by the laws of the corporation, and the written proof thereof shall be filed with the papers of the company.

VIII. *And be it further enacted,* That the said company hereby incorporated, shall have full right, power and authority, in addition to the powers hereby above granted, first to cut, construct and make a canal, in such manner and direction as they shall judge proper, from the most convenient place above the falls of Niagara, at or near Steadman's landing, to the most convenient place below said falls, and nearly opposite to Queenstown landing ; and to construct in such canal, and in the waters and places adjoining the same, all such locks, dams and other works and devices, as shall be necessary for the purpose of making a complete navigable water communication between the places aforesaid ; Secondly, to take the water which shall be contained within any lock, dam, pond, dyke, embankment or other improvement made by the said company, and make use of the same, either on their sole ac-

count or in connexion with any other person or persons, not being a member of the company, for mills or other hydraulic works, which may be erected or constructed by the said company, or to lease, let or grant and convey, for a limited time, the use of the water to any person or persons, for any lawful purpose ; and the rents and profits resulting therefrom to take and receive to and for the use and benefit of the said company, in addition to the tolls and profits herein after mentioned and allowed to be taken : Thirdly, to issue promissory notes, payable to any person or persons, or to his, her or their order, or to bearer, which being signed by the president and countersigned by the treasurer or clerk, although not under the seal of the corporation, shall be binding and obligatory upon the same, and shall be negotiable and assignable by indorsement, or if payable to bearer, by delivery in like manner, and with the like force and effect as promissory notes by law now are ; *Provided always*, That all such notes which shall be so issued, shall specify the particular service or article for which they are given ; *And provided also*, That the said service or article shall have been performed, or is for the purposes of the institution ; *And provided further*, That the whole amount of the notes so to be issued, shall not at any one time exceed double the amount of the money which may have been actually paid in by the stockholders, and that the directors shall be liable for the excess ; Fourthly, to take and receive from every boat or vessel passing through such canal so to be made, a certain toll, not to exceed at and after the rate of seven dollars per ton on the tonnage of said boat or vessel ; which toll, and the whole profits thereof, shall belong to, and be vested in the said corporation and their successors, and shall be divided among them in proportion to their respective shares, in manner to be prescribed by the laws and ordinances of the said corporation ; *Provided nevertheless*, at the expiration of thirty years from and after the completing said canal, so that boats or vessels may pass through the same, it shall and may be lawful for the legislature of this state to alter, regulate and apportion the rate of the said toll in such manner as shall be deemed just and proper.

Said company may issue promissory notes.

To receive certain tolls.

Profits how divided.

IX. *Provided also, and be it further enacted*, That if the said canal and locks shall not within the period of ten years, from and after the third Monday of January last mentioned, be made and completed so that a vessel of seventy feet in length, sixteen feet in breadth, and four feet draught of water, may pass and repass the same, between the navigable waters of Lake-Erie, and those of Lake-Ontario, then and in such case, all the rights, powers and privileges hereby granted and vested in, or to be vested in the said corporation, shall cease and determine, and be for ever null and void, and the lands hereby granted shall revert to and vest in the people of this state.

Corporation when dissolved.

May enter
upon certain
lands.

Compensation
therefor how
to be deter-
mined.

X. And be it further enacted, That the said corporation by the president and directors, or by any agent, superintendent, engineer or other person employed in the service of the said corporation, may enter into and upon all and singular the land and lands, where they shall deem it proper to carry the canal and navigation herein before described, and to lay out and survey such route as shall be most practicable for effecting a navigable canal as aforesaid, by means of locks and other devices, doing nevertheless as little damage as possible to the ground and inclosures in and over which they shall pass ; and thereupon it shall and may be lawful to and for the said president and directors respectively, to contract and agree with the owner or owners of any lands and tenements, for the purchase of so much thereof as shall be necessary for the making, digging and perfecting the said canal, and for erecting and establishing all the necessary locks, works and devices, to such navigation belonging, if they can agree with such owner or owners, but in case of disagreement, or in case the owner thereof shall be *feme covert*, under age, *non compos mentis*, or out of the state, then it shall and may be lawful to and for the said president and directors, to cause a survey and map to be made of the ground in their estimation requisite, and which they may be by law authorized to appropriate for the uses aforesaid, in the field-book of which survey and map shall be distinguished the land of each of the several owners and occupants appropriated or intended to be appropriated as aforesaid, and the quantity thereof, and shall exhibit such field-book and map to the justices of the supreme court, or any two of them, and if such justices shall be of opinion that the land so surveyed is not more than what is requisite for the said uses, and may be lawful for the said corporation to appropriate, they shall certify such field-book and map under their hands and seals, and cause the same to be filed in the office of the clerk of the county in which the same lands may be situated, there to remain as a public record ; and it shall thereupon be lawful for the said justices, by a writing under their hands and seals, to appoint not less than three nor more than five discreet persons, none of whom shall be interested in such corporation, or the land so surveyed as aforesaid, to appraise the premises specified in such field-book ; and it shall be the duty of the appraisers, or a majority of such as shall be appointed, to examine the land of each owner or occupant so appropriated, and to ascertain the value thereof, and the damages each may sustain by such appropriation, and to make a regular entry of such valuation and assessment of damages in a book to be by them kept for that purpose, and certify the same under oath, to be a true, fair and impartial valuation and assessment to the best of their belief, and shall thereupon cause

*Examine
the two
field-books*

such book, the execution of the said certificate being first duly proven or acknowledged, to be filed in the office of the clerk of such county as aforesaid, there to remain as a public record ; and the said corporation and their successors, upon paying to the several owners the sums of money so assessed as aforesaid, together with the costs of appraisement, shall immediately be vested with the fee simple of the lands and tenements mentioned and specified in such field-book filed in the office as aforesaid.

XI. *And be it further enacted*, That it shall and may be lawful for the said corporation to use so much of the land belonging to the people of this state as may be necessary and convenient for the said canal and locks, and also one hundred feet in width on each side of said canal for towing paths, and also so much as may be necessary for lyebies to receive boats while others are passing, and five acres of land at their election at each end of the canal for the purpose of erecting houses for the residence of the receivers of tolls, and the further quantity of forty acres in one or more place or places, in squares as the said corporation shall judge most convenient for erecting mills, and other hydraulic works, and shall and may take from off and out of the said lands, such timber, stone and other materials as may be necessary to the construction of the said canal, locks, houses, mills and other works incident to the said canal and locks ; *And provided further*, That it shall be lawful for any person at his own election, to use the road heretofore used as a carrying place, any thing in this act to the contrary notwithstanding ; *Provided also*, That nothing in this act contained shall be construed to prevent the people of this state from erecting upon said lands any forts, or other works necessary for the defence of the state, nor affect the right of the people of this state to make any public road upon and through the said land, when the same can be done without materially incommoding the works contemplated by this act ; *And provided further*, That this act nor any thing therein contained, shall be construed to prevent the erecting any bridges by the authority of this state, over the canal so to be made, so that the same do not materially obstruct or injure the navigation thereof ; *And provided further*, That the lands granted by this act, shall be taken, surveyed and located, by and with the approbation of the person administering the government of this state, and not otherwise.

To use certain lands belonging to the state.

Nothing herein contained to prevent the erecting fortifications.

Lands to be surveyed, &c.

C H A P. CI.

An ACT further to amend the Laws relative to Lock Navigation within this State, and for other Purposes therein mentioned.

Passed April 5th, 1798.

Time prolonged for completing the navigation between Schenectady and Wood-creek.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the further time of five years is hereby granted and allowed the western inland lock navigation company for completing the navigation between Schenectady and Wood-creek, any thing in any former law to the contrary notwithstanding: which said term of five years shall be computed from the first day of January last past.

Corporation authorized to cut down, remove or destroy trees.

II. *And be it further enacted,* That it shall and may be lawful for the said company, to cut down the trees contiguous to the Mohawk-river, Wood-creek and such other streams through which they may carry their improvements in the navigation, to the distance of two rods from the banks of such river and streams respectively, and also to draw out and lay upon the shores of the same river and streams, such of the timber fallen in the same as may obstruct the navigation thereof, and as when raised from the beds of those streams will not float down the same; *And further,* To burn and destroy the timber so cut down or drawn out, unless the proprietors of such timber shall notify to the agent of the said company concerned in such operations, a request that the same may not be so destroyed; and in case the said company, or any of their officers or agents shall be sued or impleaded for any proceedings had by virtue of the foregoing clause, it shall and may be lawful for such company or agent to plead the general issue, and thereupon give in evidence this act, which shall be deemed and adjudged a full justification for such proceedings.

Part of the 7th sect. of an act repealed.

Damages how ascertained and paid.

III. *And be it further enacted,* That so much of the seventh section of an act, entitled *An act for establishing and opening lock navigations within this state*, as provides for the assessment of damages to any owner or proprietor of lands therein mentioned, by writ in nature of a writ of *adquod damnum*, shall be and is hereby repealed; and in place thereof, it shall be the duty of the respective corporations, created by the said recited act, previously to any appraisement as herein after provided, to cause a survey and map to be made of the ground in their estimation requisite, and which they may be by law authorized to appropriate for the uses specified in the said recited act and the acts amending the same, in the field-book of which survey and map shall be distinguished the land of each of the several owners and occupants appropriated or intended to be appropriated as aforesaid, and the quantity thereof; and shall exhibit such field-book and map to the

justices of the supreme court, or any two of them ; and if such justices shall be of opinion that the land so surveyed is not more than what is requisite for the said uses, and may be lawful for the said respective corporations to appropriate, they shall certify such field-book and map, under their hands and seals, and cause the same to be filed in the office of the clerk of the county in which the same lands, or the greater part thereof may be situated, there to remain as a public record ; and it shall thereupon be lawful for the said justices, by a writing under their hands and seals, to appoint not less than three nor more than five discreet persons, none of whom shall be interested in such corporation, or the lands so surveyed as aforesaid, to appraise the premises specified in such field-book ; and it shall be the duty of the appraisers, or a majority of such as shall be appointed, to examine the land of each owner or occupant so appropriated, and to ascertain the value thereof, and the damages each may sustain by such appropriation ; and to make a regular entry of such valuation and assessment of damages, in a book to be by them kept for that purpose, and certify the same under oath to be a true, fair and impartial valuation and assessment, to the best of their belief ; and shall thereupon cause such book, the execution of the said certificate being first duly proven or acknowledged, to be filed in the office of such clerk as aforesaid, there to remain as a public record ; and the said corporation and their successors, upon paying to the several owners the sums of money so assessed as aforesaid, together with the costs of appraisement, shall immediately be vested with the fee simple of the lands and tenements mentioned and specified in such field-book, filed in the office aforesaid.

Oswego Village.

T W E N T I E T H S E S S I O N . C H A P . C I I I .

An ACT for laying out Part of Lot Number One in the Town of Hannibal, in the County of Onondaga, into Lots, and for other Purposes therein mentioned.

Passed 3d April, 1797.

VII. **A**ND *be it further enacted*, That so much of the said lot number one in the said town of Hannibal in the county of Onondaga, as shall be laid into lots as aforesaid, shall be known and called for ever thereafter by the name of Oswego.

[RESIDUE OBSOLETE.]

Obsolete.

An ACT to amend the Act, entitled "An Act for laying out Part of Lot No. 1, in the Town of Hannibal, in the County of Onondaga, into Lots, and for other Purposes therein mentioned."

Passed March 9, 1799. Sess. 21, ch. 30.

Obsolete.

An ACT to amend an Act, entitled "An Act concerning the Salt Springs, in the County of Onondaga," passed 30th March, one thousand seven hundred and ninety-eight, and to amend "An Act for laying out Part of Lot No. 1, in the town of Hannibal, in the county of Onondaga, into Lots, and for other purposes therein mentioned," passed third day of April, one thousand seven hundred and ninety-seven.

Passed 1st April, 1800. Sess. 23, ch. 77.

Obsolete.

An ACT to extend the Time for the Payment of the purchase Money for the Lots of Land sold in the Town of Hannibal and the Village contiguous to the Salt Springs, in the County of Onondaga.

Passed 16th February, 1801. Sess. 24, ch. 7.

*Repealed
See Section 34
Ch 164, Sept. 1855*

Salt Springs.

[Some parts of the acts under this head which are here printed are obsolete or executed, but the regulations in the several sections are so connected that it would be difficult to understand clearly what is still in force without adding other parts of the acts by way of explanation. E.]

TWENTIETH SESSION. CHAP. XC.

An ACT concerning the Salt Springs in the County of Onondaga.

Passed 1st of April, 1797.

Surveyor-general to lay out part of the land reserved for the use of the salt springs.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall be lawful for the surveyor-general of this state, and he is hereby directed and required as soon as may be after the passing of this act, to cause such parts of the lands and marsh adjoining to the Salt-lake in the county of Onondaga as are comprehended in the following description, to wit: of lots number eleven, twelve, thirteen, fourteen, fifteen, twenty-eight, twenty-nine and thirty, being part of the lots reserved by law for the use of the salt springs, and also of the lands adjoining the said lake on the north side of lots

number eleven and fourteen, and extending from the points where the north lines of the said lots number eleven and fourteen touch the lake, down the lake forty chains on a straight line and extending back to a distance not exceeding ten chains, to be laid out into lots not exceeding ten acres, in such manner as may be most convenient and beneficial for the manufactories already or hereafter to be erected on the lots and tracts above described ; *Provided*, That no lot shall contain more than five acres of the marsh except such part of the tract within the description aforesaid as he may deem best suited for the site of such store-house as is hereinafter directed to be erected ; and to cause a map thereof to be made, on which the lots shall be numbered, and to file one copy thereof in the office of the secretary of this state, and another copy in the office of the clerk of the county of Onondaga, keeping the original in his own office.

Provido.

To file a map thereof in the secretary's office.

II. *And be it further enacted*, That it shall be the duty of the surveyor-general to attend the making of such survey in person, and that he shall as soon as may be after the survey is commenced, give notice of this act to the occupier of each of the salt works already erected, and as soon as the survey is completed it shall be lawful for the surveyor-general for and in behalf of the people of this state to make and execute a lease of each of the said lots upon which there are now salt works erected, for the term of three years, upon the following terms and conditions, that is to say : That for every kettle or pan now used or to be used in the manufacturing of salt on the said premises, the lessee shall cause at least ten bushels of salt to be made on the premises so leased to him every year during the said term, and pay as a rent for the same premises four cents for every bushel of salt made thereon during the said term ; and if the spring or springs on any of the said lots shall yield more water from which salt can be extracted than is sufficient for the manufactory established or to be established on such lot, it shall and may be lawful for the lessees of any adjoining lot or lots to lead the surplus water to his or their manufactory, and if such surplus should exceed the quantity required for the manufactories on such adjoining lot or lots, the second surplus may be led to the next adjoining lots, and so successively from one lot to the other until such surplus shall be exhausted ; and if any controversy shall arise in the premises, the superintendent shall interpose and determine the same between the parties in contest, and his determination shall be final and conclusive ; and that such lessee, his executors, administrators or assigns, shall not at any time directly or indirectly ask, demand or take more than sixty cents a bushel for any salt to be made on the said premises, and that no salt shall be sold on the leased premises, but all

To attend such survey in person and to execute a lease for three years to such persons as have already erected salt works thereon.

the salt made on the said premises shall by the maker or proprietor thereof be put into barrels or casks, upon each of which his name and the quantity of salt contained therein shall be branded, and then the same shall be delivered to the superintendent of the salt works at the store or stores mentioned for that purpose in this act, to be by him stored therein until the same shall be sold ; and that such lessee, his executors, administrators or assigns shall not cut any timber or wood on any land belonging to the people of this state for the use of the salt works, or for any other purpose, except such as the said superintendent shall from time to time permit and allow, and a clause be inserted in every such lease that in case of the breach or non-performance of any of the said conditions or articles such lease shall become void.

Any present occupier not accepting a lease, his lot may be leased to the highest bidder.

III. *And be it further enacted,* That if the occupier of any salt works already erected on any such lot shall not within eight days after such map shall be filed in the office of the clerk of the county of Onondaga as aforesaid, accept and take such lease thereof as aforesaid, then it shall be lawful for the surveyor-general, and he is hereby directed to lease every such lot upon the terms and conditions aforesaid, to the highest bidder, at a public vendue to be held as hereinafter mentioned, that is, to the person who will give the highest yearly rent for the same over and above the said four cents for every bushel of salt made thereon ; and the surveyor-general shall as soon as may be after the expiration of the said eight days cause a notice to be affixed up at some public place at or near the said salt springs, that at a certain day to be mentioned therein, not less than ten weeks after the date thereof, the said lots, if any, together with ten of the other lots upon which there are no salt works erected, will be leased according to the directions of this act to the highest bidder, at a public vendue at the city hall of the city of Albany ; and shall cause a copy of the same notice to be published in the newspaper printed at Whitestown, and in one of the newspapers printed in the city of Albany, and in the newspaper printed by the printer to this state in the city of New-York, and at the day mentioned in the said notice he shall set up each of the said lots at public vendue, and lease the same to the highest bidder, and make and execute leases for the same upon the terms and conditions aforesaid, with a clause for securing the payment of the additional rent yearly to the superintendent of the salt works for the time being, for the use of the people of this state, but omitting in the leases of the lots upon which no salt works are erected, the provision in the clause requiring the lessee to make a certain quantity of salt every year, and inserting in stead thereof a clause that such lessee, his executors, administrators or assigns shall within one year

after the date of his lease, erect proper works on the premises so leased to him for making salt, and shall thereafter cause at least five hundred bushels of salt to be made at such works every year.

IV. *And be it further enacted*, That out of the surplus of marsh, if any there be, the superintendent shall assign to each of the lessees such a proportion as he in his discretion shall deem meet and proper, to be by such lessees improved for the purpose of cutting grass or sedge thereon, and for no other purpose whatsoever; *Provided always*, That each lessee may cut a canal through any part of the marsh leading to his manufactory.

Superintendent may apportion any surplus marsh amongst the lessees.

VI. *And be it further enacted*, That a superintendent of the salt works shall be appointed by the person administering the government of this state for the time being, by and with the advice and consent of the council of appointment, who shall hold his office during the pleasure of the said council, and who shall reside at or near the said salt springs, and who shall have no interest therein, and whose duty it shall be to receive and store the salt made at the said salt works, and brand his name and the year when made on each cask, and to deliver the same to the respective owners thereof as they sell the same, upon their paying to him the said rent and one cent upon each bushel for storage, always taking care to keep in store a due quantity of the salt made at each of the said works so that there may be at least two thousand bushels in store from and after the first day of October next until the expiration of one year from the date of such lease as aforesaid, and that annually thereafter there shall be an annual increase of five hundred bushels, to be kept at all times in the said store, for the supply of the citizens of this state who depend upon getting their salt from the said works, which quantity shall be composed of the salt made at the several manufactories in proportion to the number of kettles or pans employed in each separate manufactory; and if at any time in any year there shall not be daily made at the said salt works a sufficient quantity of salt for the supply of the citizens of this state who depend upon getting their salt at the said works, then and in every such case it shall be lawful for the said superintendent, and he is hereby required to sell to every such citizen such quantity of the salt so reserved as may be necessary for his own use at the price aforesaid, and shall pay to the owner or owners of the salt so sold fifty-five cents for every bushel so sold, being at the rate of sixty cents a bushel, including the said rent and storage; *Provided always*, That if any lessee shall have a proper store of his own near the salt works he shall occupy, and shall fit and appropriate the same, or some convenient part thereof for the reception and storing of the salt made by him, and shall deliver the keys thereof to the said superin-

A superintendent of the salt works to be appointed, and his duties

Quantity of salt to be stored, &c.

How to be disposed of.

Lessee may store his own salt.

Further duty
of the super-
intendent.

To lose his
office if inter-
ested in any
of said works

Leases to be
renewed.

Persons occu-
pying with-
out lease, li-
able to prose-
cution.

tendent so that he may have the care and custody thereof in the same manner as of the said public store, then and in every such case the said superintendent shall store and keep the salt made at such salt works in such store of the owner of such salt works, in the same manner as in the public store, and in such case such owner shall not be chargeable with any storage ; and the said superintendent shall also from time to time direct when and what wood or timber may be cut or taken on any land belonging to this state for the use of the said salt works, and shall be allowed for his services a salary of eight hundred dollars a year, and shall account with the comptroller of this state yearly for the said rent and storage, and pay the balance into the treasury for the use of the people of this state ; and the said superintendent shall annually report to the legislature a state of the works and the business connected therewith ; *Provided always*, That if any person interested in any of the said salt works shall act as superintendent as aforesaid, he shall lose his office and forfeit to the people of this state five hundred dollars, to be recovered by action of debt or information in the supreme court of this state with costs.

VIII. *And be it further enacted*, That at the expiration of the said leases it shall be optional with the legislature either to take all or any, or either of the said works, paying to the then owners the then true value thereof, to be ascertained by proper persons to be appointed by the legislature for the purpose, or to grant a new lease to the owner upon the terms and conditions aforesaid, for the further term of seven years.

IX. *And be it further enacted*, That if any person shall at any time after the first day of July next, enter upon or occupy any part of the said salt marsh or the land adjoining the same and reserved to the use thereof, without having obtained a lease for the same, it shall be the duty of the superintendent to give information thereof to the attorney-general of this state, who shall thereupon cause proper suits to be commenced and prosecuted against every such person.

TWENTY-FIRST SESSION. CHAP. LX.

An ACT supplementary to the Act, entitled " An Act concerning the Salt Springs in the County of Onondaga."

Passed March 30th, 1798.

Preamble.

WHEREAS in pursuance of an act, entitled *An act concerning the salt springs in the county of Onondaga*, certain of the said salt springs have been leased to sundry persons on the condition, among others, that the lessees respectively pay a rent of four cents on every bushel

of salt manufactured on the premises ; *And whereas*, for the want of store-houses, the superintendent has not been able to receive and take an account of the salt manufactured as aforesaid, and charge the rent or duty payable thereon : Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That if any of such lessees shall, on or before the first day of May next, deliver to the superintendent an account under oath, of the quantity of salt, as nearly as he can ascertain it, which shall have been manufactured on the premises, of which he is a lessee, from the commencement of his lease till within six days next preceding that day, and shall pay the rent which therefrom appears to be due, he shall be considered as having paid his rent in full to that day ; and if such lessee, from whom rent shall afterwards become due as aforesaid, shall at the expiration of every three months thereafter, until the superintendent shall signify that he has a store ready to receive salt as by the said act is directed, render an account and pay in the same manner all the rent then become due, he shall be considered as having so far paid his rent in full ; and if any lessee or lessees shall refuse or neglect to render any such accounts and pay the rents which have or shall so become due, it shall be the duty of the superintendent to give information thereof to the attorney-general of this state, who shall thereupon prosecute such lessee or lessees on the covenants of his or their lease.

Duty of the lessees.

Liabte to prosecution for neglect.

II. *And be it further enacted*, That if any lessee or lessees shall on or before the said first day of May next, execute a sufficient indorsement on his or their lease, purporting that instead of the covenant therein contained obligating him or them to pay four cents for every bushel of salt manufactured on the leased premises, he or they obligate themselves as a condition of holding the said leased premises, to pay a rent at the rate of two cents per month for every gallon of the capacity of the kettles or pans he or they shall use for the boiling or manufacturing of salt on the said premises, and permit the superintendent to take the capacity of such kettles or pans as often as he shall judge necessary, and also to render an account of and pay such rent within six days next after the expiration of every quarter of the year during the term of the said lease, and that they will moreover conform to the further regulations prescribed by this act, then such indorsement shall thenceforth be taken and construed as being in the place and stead of the covenant as aforesaid, obligating the lessee or lessees to pay a rent of four cents on every bushel of salt manufactured on the said leased premises ; and to carry into effect the foregoing provision, the surveyor-general

To have their election to pay rent according to the capacity of their kettles.

shall deliver the counter parts of the said leases lodged with him to the said superintendent.

To account weekly, and may dispose of their salt on the premises.

III. *And be it further enacted,* That such lessees as shall by their act as mentioned in the preceding section, elect to pay rent according to the capacities of their kettles or pans, shall once in every week deliver an account to the superintendent of all the salt they shall have respectively made in the preceding week, and shall then have a right to sell the same on the premises, any thing in the act aforesaid to the contrary notwithstanding ; but they shall not sell or suffer to be sold any salt from their factories in quantities larger than three bushels, otherwise than in casks, boxes or barrels well made of seasoned timber and by them respectively branded with the initials of their respective first names, and all the letters of their surnames or firms, and the number of bushels contained in each of such casks, boxes and barrels, and likewise inspected by the superintendent and branded with the initial of his first name and his surname at large, and all salt made and sold at such manufactories shall be sold by weight, at the rate of fifty-six pounds per bushel.

Persons applying for unoccupied lots may erect works thereon.

IV. *And be it further enacted,* That the superintendent be and he is hereby authorized to give permission to any person applying for any of the unoccupied lots containing salt springs which have been laid out or shall be laid out as hereinafter is directed, to erect works thereon for the manufacturing of salt, and if such applicant shall within four months thereafter have prepared a manufactory on such lot complete with kettles or pans, of the capacity of three hundred and forty gallons, it shall be lawful for the superintendent in behalf of the people of this state, to lease to him such lot, for a term to be completed and ended on the twentieth day of June, in the year one thousand eight hundred, on the conditions prescribed by the before recited act and by this act, and stipulating that the rent to be paid in consideration for the same, be estimated in the manner aforesaid, according to the capacity of the kettles or pans used on the premises.

Superintendent authorized to lay out and lease lots.

V. *And be it further enacted,* That where at any of the salt springs, occupied or applied for as aforesaid, near the salt lake in the county of Onondaga, lots have not been laid out comprehending the same, it shall be lawful for the superintendent to lay out lots agreeably to the directions of the before recited act, and having made maps and descriptions thereof, approved by the surveyor-general and filed in his office, the superintendent is hereby authorized to lease in manner aforesaid such lots to such occupants or applicants respectively.

To lay out a square for a village ; lots whereof to be sold.

VI. *And be it further enacted,* That the superintendent shall on the ground adjoining to the southeast side of Free-street, so named on the map of the salt springs made by

The surveyor-general, lay out a square for a village consisting of sixteen blocks, each six chains square, with intermediate streets conforming to the streets laid down on the said map made by the surveyor-general, and divide each block into four house lots, and deliver a map and description thereof to the surveyor-general, who having approved thereof shall thereupon proceed to advertise and sell not exceeding thirty of the said lots, in the manner prescribed by law for the sale of the lots laid out at Oswego ; *Provided*, That none of the said lots shall be sold for a less sum than forty dollars ; *And provided also*, That no lot on which there is a building of the value of fifty dollars, shall be liable to be sold, if the owner or occupant thereof shall agree to receive a deed therefor and pay for the same at the average price of the other lots sold as aforesaid.

VII. *And be it further enacted*, That in order to preserve the wood on the land reserved for the salt works, it shall and may be lawful for the superintendent to cause to be enclosed, by a good and sufficient fence, such parts of the said lands, and in such quantities or lots as he shall judge best calculated to preserve the young growths from cattle ; and that he shall not permit any wood to be cut for the use of the salt springs after such enclosure or enclosures are made, except on the lands so enclosed and on the swamp lying between the upland and the lake.

Wood how to be preserved.

VIII. *And be it further enacted*, That it shall and may be lawful for the superintendent to bring actions of trespass in his own name for the cutting or carrying away of any wood or timber from the lands reserved by the people of this state for the use of the said salt-works, by any person or persons whomsoever, without permission from the superintendent in writing, or the superintendent may at his discretion give information of such trespass or trespasses to the attorney-general of this state, who shall bring such suit as shall be necessary for the recovery of damages.

Persons cutting wood subject to prosecution.

IX. *And be it further enacted*, That it shall and may be lawful for the superintendent to lease to each lessee of the salt-springs, and to such persons as may hereafter lease lots for the purpose of manufacturing salt, the quantity of five acres of swamp or marsh each, on condition of such improvement of the same, and for such term of years as the superintendent shall judge most conducive to the interest of the state, not exceeding seven years, and shall allot to each of such lessees the quantity of five acres of upland, to be held by them severally, for and during the term of their respective leases of the salt springs.

Superintendent authorized to lease swamp lands to lessees.

X. *And be it further enacted*, That it shall and may be lawful for the superintendent to erect a house on the lands belonging to the state near the salt springs, for his residence, the expense of which shall not exceed the sum of two hundred and sixty dollars, to be paid out of the surplus monies appropriated for erecting a public store.

To erect a house for his residence.

And to occupy the block-house for an office, &c.

XI. *And be it further enacted,* That the superintendent may occupy the block-house for an office or other necessary use, and may repair the same ; *Provided,* That such repairs do not exceed the sum of sixty dollars, to be paid out of the surplus aforesaid ; and the expenses of building the said house and repairing the said block-house shall be audited by the comptroller.

Salt received for rent to be stored.

XII. *And be it further enacted,* That all persons who shall elect to pay their rents according to the capacity of the kettle or pan, shall contribute their respective proportions of the quantity of salt to be kept in store according to the capacity of such kettles or pans, to be estimated by such superintendent.

Persons obstructing the superintendent liable to be removed.

XIII. *And be it further enacted,* That if any person or persons shall directly or indirectly, wilfully injure or obstruct the said superintendent while in the actual execution of the duties of his appointment in any of the said manufactories, or upon any of the said lots including any of the said springs so leased as aforesaid, the owner or owners of such manufactory or lot shall forfeit the same, and shall thereupon, on complaint of the superintendent to the attorney-general of this state, be ejected and removed therefrom.

TWENTY-SECOND SESSION. CHAP. LVIII.

An ACT relative to the Salt Springs, in the County of Onondaga.

Passed 29th March, 1799.

Salt to be deposited in the public store.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That after the first day of May next, all salt manufactured at the salt springs on the salt reservation in the county of Onondaga, except such as is hereafter excepted, and with the consent of the manufacturers of such salt as hereafter provided, shall be deposited in the public stores and delivered to the superintendent of the salt springs, who shall receive the same for inspection, and sort it if necessary into two qualities, and to pass no salt as first quality but such as is well made, free from dirt and filth, with the bitterings properly extracted out of the salt, and fully drained from pickle, and to pass none for second quality but such as is free from bitterings and fully drained from pickle, and not more than twenty-five per cent inferior to the first quality.

Duty of the superintendent.

Salt to be packed in casks and branded.

II. *And be it further enacted,* That all such salt, manufactured as aforesaid, shall be packed in good white oak seasoned casks, water tight, and well hooped with twelve hoops, three on each head and three on each bilge, to be

thirty inches long, and the diameter of each head nineteen inches, to be provided by the manufacturer, which salt shall be contained in the same, and to be by him branded with the initial letter of his christian name and his surname and firm at full length.

III. *And be it further enacted,* That the said superintendent shall on the inspection of the salt deposited in his store, mark the tare of each barrel on the bilge and on the head to be branded, and after the salt is packed, to weigh the barrel and salt and deduct the tare, and mark with marking-irons the neat proceeds of salt each barrel or cask contains under the brand with the words *Salt first quality*, *Salt second quality*, as the case may be, and shall mark under the words second quality the number of cents he shall adjudge such salt to be worth per bushel, with the initial of his first name and the surname at full length thereunto subscribed or branded.

Further duty
of the super-
intendent.

IV. *And be it further enacted,* That the said superintendent on receiving and inspecting any salt as aforesaid in the public stores, shall give the lessee or manufacturer a certificate for the same, and shall deliver the same salt to the bearer of such certificate on his paying five cents for rent and storage for every fifty-six pounds weight of such salt.

Certificate to
be given for
salt stored.

V. *And be it further enacted,* That it shall and may be lawful for the said superintendent, for the convenience of those who wish to send their salt immediately off by water, to inspect such salt on the public wharf in Salt-street, leading to bason harbour.

Salt where to
be inspected.

VI. *And be it further enacted,* That no salt shall be shipped off but from the said public wharf at bason harbour, on penalty of five dollars for every bushel so shipped off, to be paid by the shipper or the person receiving the same, in any boat or vessel, besides the forfeiture of the salt, which shall be seized for the people of this state.

No salt to be
shipped but
from the pub-
lic wharf.

VII. *And be it further enacted,* That the said superintendent and his assistant be and they are hereby severally authorized to enter on board of any boat or vessel, or in any waggon, sled or sleigh, or in any other carriage or vehicle of conveyance, and stores or buildings where salt shall or may be suspected to be deposited for the purpose of disposing of, or conveying the same away, contrary to the true intent and meaning of this act, within the limits of the public salt reservation, and on discovery of any such salt the same shall be seized and removed to the public stores for the use of the people of the state.

Further duty
of the super-
intendent.

VIII. *And be it further enacted,* That if any person shall pack into any barrel or cask of salt, branded and marked as aforesaid, any uninspected salt, in order for sale or exportation, without first cutting out the said brands and marks and having the same inspected as aforesaid, the

Forfeiture for
packing unin-
spected salt;

person or persons so offending shall forfeit the sum of five dollars.

And for counterfeiting brands.

IX. *And be it further enacted*, That if any person or persons shall counterfeit any of the aforesaid brands or marks, or mark or brand any barrel or cask of salt with such counterfeit marks or brands, he, she or they being thereof convicted, shall for every such offence, forfeit and pay the sum of twenty-five dollars.

Punishment for counterfeiting superintendent's certificates.

X. *And be it further enacted*, That if any person or persons shall counterfeit any certificate the said superintendent shall give for salt inspected and deposited in the public store as aforesaid, he, she or they being duly convicted of the same, shall be adjudged guilty of forgery and punished accordingly.

Binns to be provided in the public stores for the reception of salt.

XI. *And be it further enacted*, That it shall and may be lawful for the said superintendent to make as many binns in the public stores at the expense of the state, as he may judge necessary for the deposit of salt manufactured as aforesaid before the same is inspected and put into casks as aforesaid.

Forfeiture for buying or selling uninspected salt.

XII. *And be it further enacted*, That if any manufacturer of salt or other person shall buy or sell, or convey by land or water any salt from the limits of the said salt works before the same shall have been inspected as aforesaid, he shall forfeit and pay for every bushel of salt carried away, bought or sold, the sum of five dollars, and the salt so carried away shall be seized for the use of the people of the state.

Forfeitures how recovered.

XIII. *And be it further enacted*, That each forfeiture in this act mentioned, shall and may be sued for and recovered by the said superintendent in his own name, in an action of debt, before any court having cognizance of the same, and the one half when received shall be for the use of the state, and the other half for the person who shall give information of the offence to the superintendent.

Arrears of rent may be paid in salt.

XIV. *And be it further enacted*, That it shall and may be lawful for the lessees of the salt springs or the manufacturers of salt at the said salt springs respectively, to pay unto the said superintendent the arrears due from them respectively for rent and storage, in salt deposited in the public stores and inspected as aforesaid, at any time before the first day of October next, he the said superintendent allowing therefor the legal price of such salt, together with the first costs of the barrels or casks containing the same, after deducting the rents or duties and storage of the same ; *Provided always*, That every such lessee or manufacturer shall first pay the costs which have accrued in any suit for such rent, and also execute an indorsement upon his or their lease, purporting that he or they do agree to hold and enjoy the premises contained in every such lease, subject to the further provisions, terms

and conditions prescribed in and by this act, reciting in such indorsement the title of the same.

XV. *And be it further enacted*, That all proceedings in law by the attorney-general for the recovery of the said arrears for rent and storage, be and the same are hereby suspended until the said first day of October next, and upon certificate to the attorney-general from the said superintendent, certifying that any person so prosecuted as aforesaid has paid the arrears due and owing from him with the costs of suit, the attorney-general shall discontinue such suit.

Certain proceedings in law to be suspended.

XVI. *And be it further enacted*, That it shall and may be lawful for the said superintendent to sell such salt as aforesaid received for rent and storage, for a less price in cash than is permitted to the said lessee or manufacturers at his discretion; *Provided*, That the salt of the first quality shall not be sold for less than forty cents, and the second quality in proportion.

Discretionary power to the superintendent.

XVII. *And be it further enacted*, That no barral or cask shall be sold by any lessee or manufacturer of salt, being marked and branded as aforesaid, and containing salt inspected as aforesaid, for more than one dollar.

XVIII. *And be it further enacted*, That the superintendent shall at the end of each quarter, on settlement with the lessees or manufacturers aforesaid, allow and credit them whatever sums may be due to them respectively, on account of his receiving four cents per bushel on the salt delivered from the public store on certificates given by him, for the rents of such of the lessees or manufacturers who pay by the capacity of the kettle, may be less than four cents per bushel.

Settlement to be made quarterly.

XX. *And be it further enacted*, That the comptroller, in settling the accounts of the said superintendent, shall allow him for necessary stationary, brands and other implements necessary for the inspection of salt, and also for the surveying the lots directed to be leased.

Allowance to superintendent for necessary expenses.

XXI. *And be it further enacted*, That there be allowed to the said superintendent annually the sum of one hundred dollars over and above his stated salary, to enable him to hire an assistant, which shall commence from the first day of September last past.

And hire of an assistant.

XXII. *And be it further enacted*, That the said superintendent be, and he is hereby authorized and directed from time to time, to remove all nuisances from the streets of the village of Salina, and to prevent any person or persons erecting any buildings in the said streets.

Nuisances how prevented.

XXIII. *And be it further enacted*, That if any person or persons shall cut or carry away any wood or timber from the lands reserved by the state for the salt works at Onondaga, without the permission of the said superintendent, the person or persons so offending shall forfeit treble the value of the wood or timber so cut or carried away, to be re-

Persons cutting timber on reserved lands how dealt with.

covered by the superintendent in his own name with costs of suit, for the use of the people of this state.

Superintendent when to close his accounts.

XXIV. *And be it further enacted,* That the said superintendent shall, on the first day of January next, or within six days thereafter, close his accounts with each lessee or manufacturer of salt and account with the comptroller, and thereafter shall close his accounts with such lessees or manufacturers quarter yearly, and account with the comptroller yearly, and also report to the legislature the state of the salt works at Onondaga.

Sale of certain lots how made.

XXVI. *And be it further enacted,* That the superintendent of the salt works shall advertise for sale for six weeks successively, in the newspapers printed by the printer of this state, one of the printers at Whitestown, and the printer at Lavana, lots number nineteen, twenty, twenty-one, twenty-two, twenty-eight, thirty-four, thirty-nine, forty, forty-one and forty-two, in the village of Salina ; and at the time and place mentioned in such advertisements, which place shall be at said village, he shall expose the said lots at public auction separately, and sell them to the highest bidders respectively ; *Provided,* That no lot shall be sold for a less sum than forty dollars ; and each purchaser shall for every lot so purchased by him, immediately pay, as part of the purchase money, the sum of ten dollars ; and if he shall within twelve months thereafter pay the remainder of the purchase money, and erect a building or buildings on such lot of the value of two hundred dollars, he shall be entitled to a deed in fee for the same, otherwise the said first payment to be forfeited to the people of this state, and such purchase to be void ; and when any purchaser shall produce to the surveyor-general certificates from the superintendent and treasurer, that he has purchased any lot as aforesaid, and performed the conditions hereby required, the surveyor-general shall thereupon execute to him a deed for the same as aforesaid.

Provide.

A space of ground in Salina to be laid into lots, &c.

XXVII. *And be it further enacted,* That it shall and may be lawful to and for the said superintendent to lay out the space of ground between Carbone and Spring-streets, in front of Free-street in Salina, into convenient lots for manufacturing salt, and sufficient for those of the surplus water of said salt springs, and to lease the said lots upon the like terms and conditions as are specified and contained in the fourth section of the act, entitled *An act supplementary to the act, entitled An act concerning the salt springs in the county of Onondaga ;* *Provided,* That at the expiration of such leases no compensation shall be allowed any such lessee for any buildings or improvements made on any such lot, but such lessee shall be at liberty to remove any such buildings from said lot.

Superintendent's accounts how settled.

XXVIII. *And be it further enacted,* That the comptroller of this state shall credit the accounts of the said superin-

tendent, and draw his warrant on the treasurer for the balance found due him, and the treasurer shall thereupon pay to the said superintendent the balance so found due as aforesaid.

XXIX. *And be it further enacted*, That the said superintendent shall not be subject to any assessment of work or labour on the highways or public roads in the town of Onondaga, any former law to the contrary notwithstanding.

To be exempted from assessment.

An ACT to amend an Act, entitled "An Act concerning the Salt Springs in the County of Onondaga," passed 30th March, one thousand seven hundred and ninety-eight, and to amend "An act for laying out part of Lot No. I, in the Town of Hannibal, in the County of Onondaga, into Lots, and for other Purposes therein mentioned," passed third day of April, one thousand seven hundred and ninety-seven.

Passed 1st April, 1800. Session 23, ch. 77.

C H A P. CXXIII.

An ACT to amend the Acts upon the Subject of the Salt Springs in the County of Onondaga.

Passed 8th April, 1800.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the superintendent of the salt works in the county of Onondaga, and he is hereby required on behalf of the people of this state, to renew to the lessees or their assignees, such of the leases of the salt lots, at and contiguous to the said springs, as expire on the twentieth day of June next, for the period of seven years, subject to the rents and upon the terms and conditions prescribed in and by the act, entitled *An act concerning the salt springs in the county of Onondaga*, passed the first day of April, one thousand seven hundred and ninety-seven, and the acts amending the same, except that in the leases to be executed under this act, shall be inserted a stipulation or condition, that in case any such lease shall be assigned or disposed of by the lessee, or any part of the premises therein contained under let, without the permission of the said superintendent to be expressed in writing, the same lease shall be forfeited, and the premises therein contained revert to the people of this state, and be liable to be entered upon by the said superintendent; which said permission the superintendent shall not give until all arrears of rent upon any such lease shall be paid; *Provided also*, That no such lease shall be renewed as aforesaid, unless all arrears of rent thereon shall have been previously paid to the said superintendent.

Power of the superintendent in the renewal of leases.

Proviso.

Credit to be
given upon
the sale of
salt.

III. *And be it further enacted*, That it shall and may be lawful for the said superintendent upon the sale of any salt in the public store belonging to the people of this state, to give a credit therefor, not exceeding six months, upon good and sufficient security for the payment of the price of such salt, with lawful interest thereon, to the satisfaction of the said superintendent.

Duty of the
assistant attor-
ney-general
herein.

IV. *And be it further enacted*, That it shall and may be lawful to and for the assistant attorney-general of the district comprehending the said county of Onondaga, subject to the directions of the attorney-general, to execute and discharge the various duties enjoined upon the attorney-general by virtue of the said recited acts.

An ACT to extend the Time for the Payment of the purchase Money for the Lots of Land sold in the Town of Hannibal and the Village contiguous to the Salt Springs, in the County of Onondaga.

Passed 16th February 1801. Sess. 24, ch. 7.

TWENTY-FOURTH SESSION. CHAP. CLXXVII.

An ACT relative to the Public Salt Works.

Passed 7th April, 1801.

Part of the
6th sect. of an
act repealed.

II. **A**ND *be it further enacted*, That the sixth section of the act, entitled *An act concerning the salt springs in the county of Onondaga*, passed the 1st April, 1797, so far as relates to the keeping in store the quantity of salt therein mentioned for the supply of the citizens of this state, be and the same is hereby repealed.

Duty of 1 per
cent per bush-
el remitted in
cases herein
described.

III. *And be it further enacted*, That the duty of one cent per bushel shall not be demanded on any salt manufactured at the said salt springs, which the superintendent shall refuse to receive into the block-house or public store at the salt springs, after being brought to such store, and there inspected, as directed by the act in that behalf provided.

Banks.

Obsolete.

An ACT to prevent the Establishment of any Bank within this State other than the Bank of North America, and for incorporating the same within this State.

Passed 11th April, 1782. Sess. 5, ch. 35.

Bank of New-York.

FOURTEENTH SESSION. CHAP. XXXVII.

An ACT to incorporate the Stockholders of the Bank of New-York.

Passed 21st March, 1791.

WHEREAS Isaac Roosevelt and others, associated as a company under the style of the president, directors and company of the bank of New-York, by their petition presented to the legislature, have prayed for the privilege of being incorporated, the better to enable them to carry on the purposes of their institution : Therefore,

Preamble.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That all such persons as now are, or hereafter shall be stockholders of the said bank, shall be and hereby are ordained, constituted and declared to be, from time to time, and until the second Tuesday of May, which will be in the year one thousand eight hundred and eleven, a body corporate and politic, in fact and in name, by the name of the president, directors and company of the bank of New-York ; and that by that name, they and their successors, until the said second Tuesday of May, one thousand eight hundred and eleven, shall and may have continual succession ; and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever ; and that they and their successors may have a common seal, and may change and alter the same at their pleasure ; and also that they and their successors, by the same name of the president, directors and company of the bank of New-York, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation.

Stockholders incorporated, and style of the incorporation.

Their powers

II. *And be it further enacted by the authority aforesaid,* That a share in the stock of the said bank, shall be five hundred Spanish milled dollars, or the equivalent thereof in specie ; and the number of shares shall not exceed one thousand eight hundred, exclusive of any shares that may be subscribed on the part of this state, and subscriptions shall be kept open under the direction of the president and directors of the said bank, until the said number of shares shall be filled, and the whole amount of the stock, estate and property which the said corporation shall be authorized to hold, including the capital stock or shares above mentioned shall never exceed in value one million of dollars.

Price of each share & number limited, and amount of the capital stock.

Affairs to be managed by 13 directors, one of whom to be president, and to be chosen annually.

III. *And be it further enacted by the authority aforesaid,* That the stock, property, affairs and concerns of the said corporation shall be managed and conducted by thirteen directors, one of whom to be the president, who shall hold their offices for one year, which directors shall be stockholders, and shall be citizens of this state, and be elected on the second Tuesday of May in every year, at such time in the day, and at such place in the city of New-York as a majority of the directors, for the time being shall appoint ; and public notice shall be given by the said directors in two of the newspapers printed in the said city, of such time and place, not more than twenty, nor less than ten days previous to the time of holding the said election ; and the said election shall be held and made by such of the said stockholders of the said bank as shall attend for that purpose, in their own proper persons or by proxy ; and all elections for directors shall be by ballot, and the thirteen persons who shall have the greatest number of votes at any election, shall be the directors, except as is hereinafter directed ; and if it should happen at any election that two or more persons have an equal number of votes, in such manner that a greater number of persons than thirteen, shall by plurality of votes, appear to be chosen as directors, then the said stockholders herein before authorized to hold such election, shall proceed to ballot a second time, and by plurality of votes determine which of the said persons so having an equal number of votes, shall be the director or directors, so as to compleat the whole number of thirteen ; and the said directors as soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be their president ; and four of the directors which shall be chosen at any year, excepting the president, shall be ineligible to the office of director for one year, after the expiration of the time for which they shall be chosen directors ; and in case a greater number than eight of the directors, exclusive of the president, who served for the last year shall appear to be elected, then the election of such person or person above the said number, and who shall have the fewest votes, shall be considered as void, and such other of the stockholders as shall be eligible and shall have the next greatest number of votes shall be considered as elected in the room of such last described person or persons, and who are hereby declared ineligible as aforesaid ; and the president for the time being shall always be eligible to the office of director, but stockholders not residing within this state shall be ineligible, and if any director shall remove out of this state, his office shall be considered as vacant ; and if any vacancy or vacancies should at any time happen among the directors by death, resignation or removal from this state, such vacancy or vacancies shall be filled for the remainder of the year in which they may

Vacancies how supplied.

happen, by a special election for that purpose, to be held in the same manner as is herein before directed respecting annual elections, at such time and place in the city of New-York, as the remainder of the directors for the time being, or the major part of them, shall appoint ; and the first directors shall be Isaac Roosevelt, William Maxwell, Thomas Randall, Daniel M'Cormick, Nicholas Low, William Constable, Joshua Waddington, Samuel Franklin, Comfort Sands, Robert Bowne, Guliah Verplanck, John Murray and William Edgar, and shall hold their offices respectively until the second Tuesday of May next.

IV. *And be it further enacted by the authority aforesaid,* That in case it should at any time happen that an election of directors should not be made on any day, when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day, to hold and make an election of directors, in such manner as shall have been regulated by the laws and ordinances of the said corporation.

Election not held on the day appointed corporation not to be dissolved.

V: *And be it further enacted by the authority aforesaid,* That each stockholder shall be entitled to a number of votes proportioned to the number of shares which he or she shall have held in his or her own name at least three months prior to the time of voting, according to the following ratios, that is to say : At the rate of one vote for each share not exceeding four, five votes for six shares, six votes for eight shares, seven votes for ten shares, and one vote for every five shares above ten ; stockholders actually resident within the United States and none other may vote in elections by proxy.

Stockholders may vote in proportion to the number of shares they may hold and may vote by proxy.

VI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the directors to make half yearly dividends of so much of the profits of the said bank, as to them, or a majority of them, shall appear advisable ; and that once in every three years, and oftener if thereunto required by a majority of the votes of the stockholders, to be given agreeably to the ratios herein before established, they shall lay before the stockholders at a general meeting, for their information, an exact and particular statement of the debts which shall have remained unpaid, after the expiration of the original credit, for a period of treble the term of that credit, and of the surplus of profits, if any, after deducting losses and dividends.

To make a dividend half yearly of the profits.

VII. *And be it further enacted by the authority aforesaid,* That the directors for the time being, or a major part of them, shall have power to make and prescribe such bye laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corpo-

To make bye laws and appoint their own officers

ration, and touching the duties and conduct of the officers, clerks and servants employed therein, and touching the election of directors, and all such other matters as appertain to the business of a bank ; and shall also have power to appoint so many officers, clerks and servants, for carrying on the said business, and with such salaries and allowances, as to them shall seem meet ; *Provided*, That such bye laws, rules and regulations, be not repugnant to the constitution and laws of the United States or of this state.

This state
may subscribe
any number
of shares not
exceeding 100

VIII. *And be it further enacted by the authority aforesaid*, That this state shall have a right to subscribe any number of shares to the said bank, not exceeding in the whole the number of one hundred, at any time when they shall by law authorize any person or persons for that purpose, and the state shall have a right to increase the number of shares and stock, which the said corporation may hold, to the amount of the sum to be subscribed, if the number of shares herein before limited shall be subscribed before such subscription shall take place, on the part of the state.

Bank not to
owe more
than three
times the
amount of
their capital.

IX. *And be it further enacted by the authority aforesaid*, That the total amount of the debts which the said corporation shall at any time owe, whether by bond, bill, note or other contract, over and above the monies then actually deposited in the bank, shall not exceed three times the sum of the capital stock subscribed and actually paid into the bank ; and in case of such excess, the directors, under whose administration it shall happen, shall be liable for the same, in their natural and private capacities ; but this shall not be construed to exempt the said corporation, or any estate real or personal, which they may hold as a body corporate, from being also liable for and chargeable with the said excess ; but such of the said directors who may have been absent when the said excess was contracted, or who may have dissented from the resolution or act whereby the same was so contracted, may respectively exonerate themselves from being so liable, by giving immediate notice of the fact, and of their absence or dissent to the mayor or recorder of the city of New-York, and to the stockholders, at a general meeting which they shall have power to call for that purpose ; *And further*, It shall not be lawful for the said corporation to emit any notes, or contract debts which shall be payable in the bills of credit, emitted by the laws of this state.

To emit no
notes payable
in bills of
credit of this
state.

What kind of
real property
lawful for the
bank to use &
for what use.

X. *And be it further enacted by the authority aforesaid*, That the lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation, in relation to the convenient transacting of its business, or such as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have

been obtained for such debts ; *And further,* The said corporation shall not directly or indirectly, deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever, or in buying or selling any stock, created under any act of the congress of the United States, or of any particular state, unless in selling the same when truly pledged to it by way of security for debts due to the said corporation.

Bank not to trade in any kind of merchandize, or buy any stock.

XI. *And be it further enacted by the authority aforesaid,* That no transfer of the stock of the said corporation shall be valid or effectual in law, until such transfer shall be entered or registered in a book or books to be kept for that purpose by the directors.

No transfer of bank stock valid until registered.

XII. *And be it further enacted by the authority aforesaid,* That the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by indorsement thereupon, under the hand or hands of such person or persons, and of his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her or their own name or names ; and bills or notes, which may be issued by order of the said corporation, signed by the president, and countersigned by the principal cashier or treasurer, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner, and with the like force and effect, as upon any private person or persons, if issued by him, her or them, in his, her or their private or natural capacity or capacities, and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons.

Bank bills obligatory and of credit assignable by indorsement.

XIII. *And be it further enacted by the authority aforesaid,* That this present act of incorporation shall in no wise be forfeited by any non-user whatever, at any time before the second Tuesday in May next, and that it shall on that day be lawful for the stockholders above mentioned, to assemble for the purposes of carrying into effect the same, any want of notice in the manner above prescribed to the contrary in any wise notwithstanding.

Act of incorporation not to be forfeited for any non-user before a certain day.

XIV. *And be it further enacted by the authority aforesaid,* That this act be and is hereby declared to be a public act, and that the same be, for the time herein before limited, construed in all courts and places, benignly and favourably, for every beneficial purpose therein intended.

FIFTEENTH SESSION. CHAP. I.

An ACT to authorize the Treasurer to subscribe to the Bank of New-York.

Passed 12th January, 1792.

Preamble,

WHEREAS by the act, entitled *An act to incorporate the stockholders of the bank of New-York*, it is enacted, that this state shall have a right to subscribe any number of shares to the said bank, not exceeding in the whole the number of one hundred, at any time when they shall by law authorize any person or persons for that purpose ; and the state shall have a right to increase the number of shares and stock, which the said corporation may hold, to the amount of the sum to be subscribed, if the number of shares therein limited shall be subscribed before such subscription shall take place on the part of the state ; *And whereas*, The number of shares limited to the said corporation have been already subscribed, and it is conceived proper that this state should subscribe one hundred shares to the said bank : Therefore,

Treasurer to subscribe 100 shares for the State.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same*, That it shall and may be lawful to and for the treasurer of this state, and he is hereby authorized and directed to subscribe, as soon as conveniently may be, for and in behalf of this state, one hundred shares to the said bank, and to pay for the same out of any monies in the treasury not otherwise appropriated.

The number of shares in said bank increased.

II. *And be it further enacted by the authority aforesaid*, That the shares in the said bank shall be and hereby are increased from one thousand eight hundred, being the number limited by the said act, to one thousand nine hundred shares, and that the stock of the said bank shall be and hereby is increased fifty thousand dollars, being the sum to be paid for the said one hundred shares, to be subscribed by the treasurer for this state as aforesaid.

TWENTIETH SESSION. CHAP. XXIII.

An ACT to render the Funds of this State more productive of Revenue,

Passed 17th February, 1797.

Treasurer to transfer all the 6 per cent and deferred stock.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the treasurer of this state to sell and transfer to the president, and directors and company of the bank of New-York, and that it shall be lawful for the said corporation to buy all the stock of the United States bearing a present interest of six per cent, usually denominated six

per cent stock, and all the stock to bear an interest of six per cent after the year one thousand eight hundred, usually denominated deferred stock, and held by him as trustee for this state, on the following terms, that is to say : That the price of the said stocks shall be the nominal value thereof, that the purchase money shall be payable on the second Tuesday of May, which will be in the year one thousand eight hundred and nine ; that the purchase money for the six per cent stock shall bear a present interest at the rate of six per cent per annum, payable half yearly ; and the purchase money for the deferred stock shall bear a like interest after the year one thousand eight hundred ; that the said corporation may sell the said stocks again in like manner as their other estate or property ; that on the purchase of the said stocks the total amount of the debts which the said corporation may at any time owe may exceed the amount to which they are at present restricted, in the proportion which the aggregate sum of the nominal value of the said stocks, added to a million of dollars, shall exceed the said sum of one million of dollars ; that as often as payments shall be made by the United States on account of the principal of the six per cent stock, the said corporation may from time to time buy stocks of the United States, to the nominal amount of the said payments, any thing in the act incorporating the stockholders of the said bank to the contrary thereof notwithstanding ; and that whenever during the period aforesaid the legislature shall deem the occasion to require it, the said corporation shall make loans to the state, to bear a like interest, and otherwise on such terms as shall be reasonable, and to such amount as the exigencies and circumstances of the said bank shall on each respective occasion, in the judgment of the directors thereof for the time being, permit.

Bank authorized to sell said stock and may extend their credit upon it.

II. *And be it further enacted, and it is hereby provided,* That no obligation or covenant concerning the premises shall be passed or executed, between the treasurer and the said corporation, until the same shall have been approved by the person administering the government of this state for the time being, or by the attorney-general thereof, together with one or more of such counsel learned in the law, as the person administering the government of this state shall for that purpose appoint.

Covenants made with the bank to be approved by the governor, &c.

IV. *And be it further enacted,* That it shall be the duty of the director by this act appointed on the part of this state, to furnish to the person administering the government of this state, as often as he may require, a statement of the amount of the capital stock of the said corporation, and of the debts due to the same, of the monies deposited therein, of the notes in circulation, and of the cash on hand, any bye law, ordinance or regulation of the said corporation to the contrary thereof notwithstanding.

Governor to be furnished with a true state of the bank.

VI. *And be it further enacted, That the acceptance of the aforesaid transfer by the said president, directors and company of the bank of New-York, shall be deemed and taken to be a full and complete acquiescence in and consent on their part to all and every the provisions contained in this act.*

[RESIDUE OBSOLETE.]

TWENTY-FOURTH SESSION. CHAP. CIV.

An ACT relative to the Bank of New-York.

Passed 31st March, 1801.

Part of the
act herein re-
cited repealed

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That that part of the act, entitled *An act to incorporate the stockholders of the bank of New-York*, which declares "that four of the directors who shall be chosen in any year shall be ineligible for one year after the term for which they shall be chosen," be repealed.

Certain bills
of credit to
be received in
payment by
the treasurer
from the cash-
ier of the
said bank.

II. *And be it further enacted, That it shall be lawful for the treasurer of this state to receive from the cashier of the said bank, at any time after the passing of this act, the bills of credit emitted in virtue of the act, entitled An act to take out of circulation the bills of credit emitted by law, and to emit others as a substitute, passed the 8th of February, 1788, in part payment of the debt due from the said bank on the purchase of the stock of the United States, transferred in pursuance of the act, entitled An act to render the funds of this state more productive of revenue.*

Bank of Albany.

FIFTEENTH SESSION. CHAP. LXI.

An ACT to incorporate the Stockholders of the Bank of Albany.

Passed 10th April, 1792.

Preamble.

WHEREAS Abraham Ten Broeck and others, associated in a company, under the title of "The president, directors and company of the bank of Albany," by their petition presented to the legislature, have prayed for the privilege of being incorporated: Therefore,

Stockholders
incorporated
and style of
the incorpora-
tion.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That all such persons as now are or hereafter shall be stockholders of the said bank, shall be and hereby are ordained, constituted and declared to be and continue until the second Tuesday in May, which will be in the year of our Lord one thousand*

eight hundred and eleven, a body corporate and politic, in fact and in name, by the name of "The president, directors and company of the bank of Albany," and that by that name they and their successors, until that day, shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure, and also that they and their successors by the same name of "The president, directors and company of the bank of Albany," shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of the said corporation.

Their powers.

II. *And be it further enacted*, That a share of the stock of the said bank shall be four hundred Spanish milled dollars, or the equivalent thereof in specie; and the number of shares, exclusive of any share that may be subscribed on the part of the state, shall not at any time exceed six hundred; and subscriptions may be kept open, under the direction of the president and directors of the said bank, until the said number of shares be filled; and the whole amount of the stock, estate and property which the said corporation shall hold, including the capital stock or shares above mentioned, shall never exceed in value two hundred and sixty thousand dollars.

Price of each share and the number limited.

Subscriptions how to be received, and the amount of the capital stock.

III. *And be it further enacted*, That the stock, property, and concerns of the said corporation, shall be managed and conducted by thirteen directors, stockholders and citizens of this state, who shall hold their offices for one year, nine of whom shall be residents of the city of Albany, and the said thirteen directors shall be elected on the second Tuesday of May in every year, at such time of the day, and at such place in the city of Albany, as a majority of the directors for the time being shall appoint, and public notice shall be given by the said directors, not less than sixty days previous to the time of holding the said election; and the said election shall be held and made by such of the stockholders of the said bank as shall attend for that purpose, in their proper persons, or by proxy; and all elections for directors shall be by ballot, and the thirteen persons who shall have the greatest number of votes at any election shall be the directors (except as is herein after directed) and if it should happen at any election, that two or more persons have an equal number of votes, in such manner that a greater number of persons than thirteen shall by a plurality of votes appear to be chosen as directors, then the said stockholders, herein before authorized to vote at such election, shall proceed to ballot a second

Stockholders to be annually chosen, and manner of holding the election.

Directors to elect a president, and 3 of their number who shall become ineligible the year succeeding the one for which they were chosen.

Vacancies of directors how to be filled.

Directors first named.

Election not held on the day appointed corporation not to be dissolved.

Votes how apportioned among the stockholders.

time and by plurality of votes determine which of the said persons so having an equal number of votes shall be the director or directors, so as to complete the whole number of thirteen ; and the said directors, as soon as may be after their election, shall proceed in like manner to elect by ballot one of their number to be their president ; and three of the directors which shall be chosen in any year, excepting the president, shall be ineligible to the office of director for one year after the expiration of the time for which they shall be chosen directors ; and in case a greater number than nine of the directors, exclusive of the president who served for the last year, shall appear to be elected, then the election of all such person or persons above the said number, having a less number of votes than the said nine persons so elected as aforesaid, shall be considered as void, and such other of the stockholders as shall be eligible, and have the next greatest number of votes, shall be considered as elected in the room of such last described person or persons, and who are hereby declared ineligible as aforesaid ; and the president for the time being shall always be eligible to the office of director ; but stockholders not residing within the city of Albany aforesaid shall be ineligible to the office of president ; and if any of the said nine directors, to be resident in the city of Albany aforesaid, shall remove out of the said city, or any other of the said directors shall remove out of this state, the office of such director shall be considered as vacant ; and if any vacancy or vacancies shall at any time happen among the directors, by death, resignation or removal, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a special election for that purpose, to be held in the same manner as is herein before directed respecting annual elections, at such time and place in the city of Albany as the remainder of the directors, for the time being, or the major part of them shall appoint ; and the first directors shall be Philip Schuyler, Abraham Ten Broeck, Stephen Van Rensselaer, Goldsbrow Banyar, Stephen Lush, Jeremiah Van Rensselaer, Cornelius Glen, Daniel Hale, James Caldwell, John Stevenson, John Maley, Albert Pawling and John Sanders, and shall hold their offices until the second Tuesday of May next.

IV. *And be it further enacted,* That in case it should at any time happen, that an election of directors should not be made on any day, when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day, to hold and make an election of directors, in such manner as shall have been regulated by the laws and ordinances of the said corporation.

V. *And be it further enacted,* That each stockholder at elections, and on all other questions, shall be entitled to the number of votes proportioned to the number of shares

which he or she shall have held in his or her name, according to the following ratio, that is to say : One vote for every share not exceeding four, five votes for six shares, six votes for eight shares, and one vote for every five shares above ten ; but no person, copartnership or body politic, shall be entitled to more than fifteen votes ; and no stockholder, unless actually resident within the United States, shall vote at elections, or on any other occasion by proxy.

VI. *And be it further enacted,* That it shall be the duty of the directors to make a dividend of so much of the profits of the said bank, as to them or a majority of them shall seem advisable, on the second Tuesday of May, one thousand, seven hundred and ninety-three, and thereafter to make half yearly dividends of so much of the profits of the said bank, as to them or a major part of them shall seem advisable.

Directors to make half yearly dividends of the profits of the bank.

VII. *And be it further enacted,* That a general meeting of the stockholders may be called whenever the directors or a majority of them, or a number of stockholders, not less than twenty, who together shall hold not less than one hundred shares, shall judge proper ; of which meeting the directors or stockholders calling it shall give at least four weeks notice in one of the public gazettes printed in the city of Albany, and specify in such notice, the object or objects of the said meeting.

General meetings of stockholders how to be called.

VIII. *And be it further enacted,* That this state shall have a right to subscribe any number of shares to the said bank, not exceeding in the whole the number of fifty, at any time when they shall by law authorize any person or persons for that purpose ; and the state shall have a right to increase the number of shares and stock which the said corporation may hold, to the amount of the number of shares so to be subscribed, if the number of shares herein before limited shall be subscribed before such subscription shall take place on the part of the state.

State entitled to subscribe fifty shares whenever they shall think proper.

IX. *And be it further enacted,* That every cashier and clerk, before he enters into the duties of his office, shall give bond, with two or more securities, to the satisfaction of the directors, such cashier in a sum not less than ten thousand dollars, and each clerk in a sum not less than two thousand dollars, with condition for the faithful discharge of his duty.

Cashier and clerks to give bond.

X. *And be it further enacted,* That the said corporation shall not demand any greater interest on any loan or discount, than at the rate of six per centum per annum.

Rate of discount.

XI. *And be it further enacted,* That no president or other director shall be entitled to any emolument for their services, and that seven directors shall constitute a board for the transaction of business, of whom the president shall be one, except in case of sickness or absence, in which case the directors present may choose a chairman *pro hoc vice* ;

President and directors entitled to no emolument for their services.

Directors to hold quarterly meetings.

Empowered to make bye-laws and appoint their officers, &c.

Company never to contract debts to more than three times the amount of their capital stock actually paid into the bank.

Corporation not to hold any real estate but what is necessary for its own accommodation

Stock how transferable.

and that there shall be quarterly meetings of the said directors, at such times in the year as shall be appointed by the bye-laws of the said corporation.

XII. *And be it further enacted,* That the directors shall have power to make and prescribe such bye-laws, rules and regulations as they shall judge proper, touching the duties and conduct of the officers and servants employed therein, and such other matters as appertain to the said bank ; and shall have also power to appoint so many officers, clerks and servants for carrying on the said business, and with such salaries and allowances as to them shall seem meet.

XIII. *And be it further enacted,* That the total amount of the debts which the said corporation shall at any time owe by bond, bill, note or other contract, over and above the specie then actually in the bank, shall not exceed three times the sum of the capital stock subscribed and actually paid into the bank ; and in case of such excess, the directors under whose administration it shall happen, shall in case of loss, be liable for the same in their natural and private capacities ; but this shall not be construed to exempt the said corporation, or any estate, real or personal which they may hold as a body corporate, from being also liable for and chargeable with the said excess ; but such of the said directors, who may have been absent when the said excess was contracted, or may have dissented from the resolution or act whereby the same was so contracted may respectively exonerate themselves from being liable, by giving immediate notice of the fact, and of their absence or dissent, to the stockholders at a general meeting, to be called for that purpose.

XIV. *And be it further enacted,* That the lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its accommodation in relation to the convenient transaction of its business, or such as have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts ; and the said corporation shall not directly or indirectly deal or trade, in buying or selling any goods, wares, merchandizes or commodities whatsoever, or in buying or selling any stock created under any act of the United States, or of any particular state, unless in selling the same when truly pledged to it by way of security, for debts due to the said corporation.

XV. *And be it further enacted,* That no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in a book or books to be kept for that purpose by the directors, and unless the person making the same shall previously discharge all debts due by him or her to the said corporation.

XVI. *And be it further enacted*, That the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by indorsement thereon, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her or their own name or names; and bills or notes which may be issued by the said corporation, signed by the president, and countersigned by the cashier, promising the payment of money to any person or persons, his, her or their order, or to the bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same in like manner and with the like force and effect as upon any private person or persons, if issued by him, her or them, in his, her or their private or natural capacity or capacities, and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons.

Bills or notes under the seal of the corporation assignable by indorsement.

And notes issued by said corporation not under their seal to be binding & obligatory.

XVII. *And be it further enacted*, That this present act of incorporation shall in no wise be forfeited for any non-user whatsoever at any time before the second Tuesday of June next, and that it shall on that day be lawful for the stockholders of the said bank to assemble for the purpose of carrying the same into effect, any want of notice in the manner above prescribed to the contrary notwithstanding.

This act of incorporation not to be forfeited for any non-user before a certain day.

XVIII. *And be it further enacted*, That this act be, and is hereby declared to be a public act, and the same shall be construed in all courts and places benignly and favourably for any beneficial purpose thereby intended.

This act declared to be a public act.

TWENTIETH SESSION. CHAP. XXIV.

An ACT to authorize the Comptroller of this State to subscribe to the Bank of Albany.

Passed the 24th February, 1797.

WHEREAS by the act, entitled *An act to incorporate the stockholders of the bank of Albany*, it is enacted that this state shall have a right to subscribe any number of shares to the said bank, not exceeding in the whole the number of fifty, at any time when they shall by law authorize any person or persons for that purpose; and the state shall have a right to increase the number of shares and stock which the said corporation may hold, to the amount of the number of shares so to be subscribed, if the number of shares therein limited shall be subscribed before such subscription shall take place on the part of the state; *And whereas*, The number of shares limited to the said corporation have been already subscribed, and it is conceived proper that this state should subscribe fifty shares to the said bank: Therefore,

Preamble:

Comptroller
to subscribe
fifty shares to
the bank of
Albany ;

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall and may be lawful for the comptroller of this state, and he is hereby authorized and directed, as soon as conveniently may be, to subscribe for and on behalf of the people of this state, fifty shares to the said bank, and to draw a warrant on the treasurer to pay for the same out of the monies lately received by him on account of principal stock of the United States, which then stood in his name, and the treasurer is hereby directed to receive the certificates to be given for the said shares, and keep them in the treasury, subject to the direction of the legislature.

And to vote
for directors.

II. *And be it further enacted,* That it shall and may be lawful for the comptroller of this state for the time being, from time to time to vote for directors of the said bank, for and in respect to the said fifty shares, for and in behalf of this state, and from time to time to draw warrants in favour of the treasurer for the dividends and profits of the said shares, who shall receive and keep the same in the treasury of this state, until disposed of by law.

Number of
shares in-
creased.

III. *And be it further enacted,* That the shares in the said bank shall be and hereby are increased from six hundred, being the number limited by said act, to six hundred and fifty shares, and that the stock of the said bank shall be and hereby is increased twenty thousand dollars, being the sum to be paid for the said fifty shares to be subscribed for this state as aforesaid.

C H A P. LXXI.

An ACT to amend an Act, entitled " An Act to incorporate the Stockholders of the Bank of Albany."

Passed the 31st March, 1797.

Preamble.

WHEREAS the stockholders of the bank of Albany, convened at a general meeting of the said stockholders, held agreeably to the act, entitled *An act to incorporate the stockholders of the bank of Albany,* have prayed certain alterations in the act aforesaid : Therefore,

No two per-
sons partners
in trade, &c.
to be elected
directors at
the same
time.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That no two or more persons who are or shall be interested or connected together as copartners in any mercantile establishment or manufactory, or landed speculation, shall be eligible to the office of director at the same time, and that if any two persons known to be so connected shall be elected at any one time, that only the person having the greatest number of votes shall be admitted to a seat, and the election of the other person or persons so connected as copartners shall be considered as void ; *And further,* That if after any election the directors or either of them shall know or be in-

If so elected
their seats to
become va-
cant.

formed by any stockholder that such connexion does exist between any two or more persons chosen directors, it shall be the duty of the said directors on receiving the information to appoint three stockholders disconnected with the parties and not in the direction, to examine the truth of the same, and on their certifying in writing that such persons are so connected together, their seats shall become vacant, and a new election be ordered to supply their places.

II. *And be it further enacted*, That the present directors of the said bank, except the president, shall previous to the ensuing election class themselves into four classes of three members each; that the first class be ineligible at the ensuing election; that so many of the second class as shall continue in office until the next annual election shall be ineligible at the said election; that so many of the third class as shall continue in office until the next succeeding annual election shall be ineligible at the said election, and that so many of the fourth class as shall continue in office until the next succeeding annual election shall be ineligible at the said election; and that the persons who may be chosen directors at any future election (excepting the president for the time being) shall be so classed as not to be eligible as directors for more than three years successively until their seats have been vacated for one year at least.

Directors to class themselves into 4 classes, first class to be ineligible in each year.

Bank of Columbia.

SIXTEENTH SESSION. CHAP. XXXVIII.

An ACT to incorporate the Stockholders of the Bank of Columbia.

Passed 6th March, 1793.

WHEREAS Thomas Jenkins and others, associated in a company under the style of The president, directors and company of the bank of Columbia, by their petition presented to the legislature, have prayed for the privilege of being incorporated: Therefore,

Preamble.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all such persons as now are or hereafter may be stockholders of the said bank, shall be and hereby are ordained, constituted and declared to be and continue until the second Tuesday in May, which will be in the year of our Lord one thousand eight hundred and eleven, a body corporate and politic, in fact and in name by the name of "The president, directors and company of the bank of Columbia," and that by that name

Stockholders of Columbia bank incorporated.

they and their successors until that day shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever ; and that they and their successors may have a common seal, and may change and alter the same at their pleasure ; and also that they and their successors by the same name of The president, directors and company of the bank of Columbia, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation.

Number of
shares and
amount of
each.

II. *And be it further enacted*, That a share in the stock of the said bank shall be four hundred Spanish milled dollars, or the equivalent thereof in specie, and the number of shares, exclusive of any shares that may be subscribed on the part of the state, shall not at any time exceed four hundred ; and subscriptions may be kept open under the direction of the president and directors of the said bank, until the said number of shares be filled ; and the whole amount of the stock, estate and property, which the said corporation shall hold, including the capital stock or shares above mentioned, shall never exceed in value one hundred and sixty thousand dollars.

Affairs of said
company to
be managed
by thirteen
directors.

Their qualifi-
cations and
election.

Elections to
be by ballot,
and how con-
ducted.

President
when to be
elected, and
3 directors
when ineligi-
ble for one
year.

III. *And be it further enacted*, That the stock, property and concerns of the said corporation shall be managed and conducted by thirteen directors, stockholders and citizens of this state, who shall hold their offices for one year, eight of whom shall be residents of the city of Hudson ; and the said thirteen directors shall be elected on the second Tuesday of May in every year, at such time of the day and at such place in the city of Hudson as a majority of the directors for the time being shall appoint, whereof public notice shall be given by the said directors, at least sixty days previous to the time of holding the said election ; and the said election shall be held and made by such of the stockholders of the said bank as shall attend in their proper persons, or by proxy ; all elections shall be by ballot, and the thirteen persons who shall have the greatest number of votes at any election shall be the directors, except two or more persons have an equal number of votes in such manner that a greater number of persons than thirteen shall by plurality of votes appear to be chosen as directors, then the said stockholders shall proceed in like manner to ballot a second time and determine which of the said persons so having an equal number of votes shall be director or directors, so as to compleat the whole number of thirteen ; and the said directors as soon as may be after their election, shall proceed in like manner to elect one of their number to be their president ; and three of the directors who shall be chosen in any year excepting the

president, shall be ineligible to the office of director for one year after the expiration of the time for which they shall be chosen directors ; and in case a greater number than nine of the directors, exclusive of the president who served for the last year, shall appear to be elected, then the election of all such person or persons above the said number, having a less number of votes than the said nine persons so elected as aforesaid, shall be considered as void and such other of the stockholders as shall be eligible, and have the next greatest number of votes, shall be considered as elected in the room of such last described person or persons ; and the president for the time being shall always be eligible to the office of director ; and no stockholder residing out of the city of Hudson shall be eligible to the office of president : If any of the directors resident in the city of Hudson shall remove out of the said city, or any other of the directors shall remove out of this state, the office of such director shall be considered as vacant ; and if any vacancy or vacancies shall happen among the directors by death, resignation or removal, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a special election, to be held in the same manner as is herein before directed respecting annual elections, at such time and place in the city of Hudson as the remainder of the directors for the time being, or the major part of them, shall appoint ; and that the first directors shall be Thomas Jenkins, Seth Jenkins, Duncan Ingraham, Stephen Paddock, John Thurston, Justus H. Van Hoesen, David Lawrence, Cotton Gelston, William H. Ludlow, William Cantine, Walter V. Wemple, Peter Van Ness and John Livingston, and shall hold their offices until the second Tuesday of May next.

Special elections how, when and where held.

Names of the first directors

IV. *And be it further enacted*, That in case it should at any time happen that an election of directors should not be made on any day, when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day, to hold and make an election of directors in such manner as shall have been regulated by the laws and ordinances of the said corporation.

Election not made pursuant to this act corporation not to be dissolved.

V. *And be it further enacted*, That each stockholder at elections, and on all other questions, shall be entitled to a number of votes proportioned to the number of shares which he or she shall hold in his or her name, according to the following ratio ; For one share and not exceeding three, one vote ; for four shares and not exceeding seven, three votes ; for eight shares and not exceeding ten, five votes ; and for every seven shares exceeding ten, one vote ; but no person, copartnership, or body politic, shall be entitled to more than fifteen votes, and no stockholder, unless actually resident within the United States, shall vote on any occasion by proxy.

Votes of stockholders, how proportioned, &c.

Dividends
when to be
made.

VI. *And be it further enacted,* That the directors shall make a dividend of so much of the profits of the said bank as to them or a majority of them shall seem advisable, on the first Monday of August next, and shall thereafter make half yearly dividends in manner aforesaid.

General meet-
ing of stock-
holders when
and how to
be called.

VII. *And be it further enacted,* That a general meeting of the stockholders may be called whenever the directors or a majority of them, or a number of stockholders who in respect to their shares shall be entitled to seventy votes, shall judge proper ; of which meeting the directors or stockholders calling it, shall give at least four weeks notice in one of the public papers printed in the city of Hudson, and specify in such notice the object or objects of such meeting.

State may
subscribe 50
shares.

VIII. *And be it further enacted,* That this state shall have a right to subscribe any number of shares to the said bank, not exceeding in the whole the number of fifty, at any time when they shall by law authorize any person or persons for that purpose ; and the state shall have a right to increase the number of shares and amount of stock which the said corporation may hold to the amount of the number of shares so to be subscribed by the state, if the number of shares herein before limited shall be subscribed before such subscription shall take place on the part of the state.

Cashier and
clerks to give
bonds with
security.

IX. *And be it further enacted,* That every cashier and clerk, before he enters upon the duties of his office, shall give bond, with two or more sureties, to the satisfaction of the directors, such cashier in a sum not less than five thousand dollars, and such clerk in a sum not less than one thousand dollars, with condition for the faithful performance of his duty.

X. *And be it further enacted,* That the said corporation shall not demand any greater interest on any loan or discount than at the rate of six per cent per annum.

President and
directors to
receive no
emolument
for their ser-
vices.

XI. *And be it further enacted,* That no president or other director shall be entitled to any emolument for their services, and that seven directors shall constitute a board for the transaction of business, of whom the president shall be one, except in case of sickness or absence, in which case the directors present may choose a chairman *pro hac vice* ; and that there shall be quarterly meetings of the said directors at such times in the year as shall be appointed by the bye-laws of the said corporation.

Quarterly
meetings how
appointed.

Duties of the
directors.

XII. *And be it further enacted,* That the directors shall have power to make and prescribe such bye-laws, rules and regulations as they shall judge proper, touching the duties and conduct of the officers and servants employed therein, and such other matters as appertain to the said bank, and shall have also power to appoint so many officers clerks and servants for carrying on the said business, and with such salaries and allowances as to them shall seem meet.

XIII. *And be it further enacted,* That the total amount of the debts which the said corporation shall at any time owe by bond, bill, note or other contract, over and above the specie then actually in the bank, shall not exceed three times the sum of the capital stock subscribed and actually paid into the bank ; and in case of such excess, the directors under whose administration it shall happen, shall, in case of loss, be liable for the same in their natural and private capacities ; but this shall not be construed to exempt the said corporation or any estate real or personal which they may hold as a body corporate, from being also liable for and chargeable with the said excess, but such of the said directors who may have been absent when the said excess was contracted, or may have dissented from the resolution or act, whereby the same was so contracted, may respectively exonerate themselves from being liable, by giving immediate notice of the fact, and of their absence or dissent, to the stockholders at a general meeting to be called for that purpose.

Debts of said corporation limited.

If they exceed the same directors to be answerable in their private capacities.

XIV. *And be it further enacted,* That the lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its accommodation in relation to the convenient transaction of its business, or such as have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts ; and the said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares or merchandizes whatsoever.

Lands, tenements, &c. which the corporation may hold.

XV. *And be it further enacted,* That no transfer of stock shall be valid until entered or registered in a book or books to be kept for that purpose by the directors, and unless the person making the same shall previously discharge all debts due by him or her to the said corporation.

Transfer of stock regulated.

XVI. *And be it further enacted,* That the bills obligatory and of credit, under the seal of the said corporation which shall be made to any person or persons shall be assignable by indorsement thereon, and so as absolutely to transfer and vest the property thereof in each and every assignee and assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her or their own name or names ; and bills or notes which may be issued by the said corporation, signed by the president and countersigned by the cashier, promising the payment of money to any person or persons, his, her or their order, or to the bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same in like manner and with the like force and effect as upon any private person or persons, if issued by him, her or

Certain bills, under the seal of the corporation, made assignable and obligatory.

Certain other bills, &c. not under the seal of the corporation, assignable and obligatory.

them in his, her or their private or natural capacity or capacities, and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons.

XVII. *And be it further enacted,* That this act be and is hereby declared to be a public act, and that the same shall be construed in all courts and places benignly and favourably for every beneficial purpose thereby intended.

Manhattan Bank.

TWENTY-SECOND SESSION. CHAP. LXXXIV.

An ACT for supplying the City of New-York with pure and wholesome Water.

Passed 2d April, 1799.

Preamble.

WHETHERAS Daniel Ludlow and John B. Church, together with sundry other citizens of this state have associated for the purpose of supplying the city of New-York with water for the use of such of the inhabitants thereof and others as may be inclined to take the same, and have with a view to further this laudable design, and to divide the hazards attendant thereon, set on foot a subscription and actually subscribed considerable sums of money thereto, upon condition that the legislature should deem it expedient to grant them support and encouragement by giving them and such others as shall hereafter subscribe and join their association, a suitable charter of incorporation, as doth appear by their several petitions to the legislature ; to the end therefore, that the said Daniel Ludlow and John B. Church, and their present and future associates may be encouraged to proceed to carry into effect their laudable undertaking, which promises, under the blessing of God, to be conducive to the future health and safety of the inhabitants of the said city.

Persons incorporated and style of the corporation.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That Daniel Ludlow, John B. Church, John Watts, Joseph Browne and their present and future associates, their successors and assigns, be and they are hereby created a body corporate and politic, by the name of "The president and directors of the Manhattan company," and are hereby ordained, constituted and declared to be for ever hereafter a body politic and corporate, in fact and in name, and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in.

all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and make, change and alter the same at their pleasure; and also that they and their successors, by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of the said corporation; *Provided*, That the real estate so to be holden shall be such only as shall be necessary to promote or attain the objects of this incorporation.

Their privileges.

Proviso.

II. *And be it further enacted*, That the capital stock of the said corporation shall not exceed two millions of dollars, and that a share in the said stock shall be fifty dollars; and that subscriptions to the said capital stock shall be opened and kept open under the direction of the said president and directors until the whole number of shares subscribed together with those already subscribed shall amount to thirty-nine thousand shares, and shall further be kept open as aforesaid for the term of thirty days thereafter for the benefit of such persons as may choose to subscribe for not more than two shares; that it shall and may be lawful for the mayor, aldermen and commonalty of the city of New-York to subscribe to the said stock any number of shares not exceeding two thousand.

Capital stock of said company not to exceed a certain amount, and price of each share.

Subscriptions how long to be kept open.

III. *And be it further enacted*, That the stock, property and concerns of the said company shall be conducted and managed by thirteen directors, stockholders and citizens of the said city of New-York, of which directors the recorder of the said city of New-York for the time being shall always *ex officio* be one, which directors shall hold their offices for one year from the second Tuesday in December in every year; and twelve of the said directors shall be elected on the first Tuesday in December in every year, at such time of the day and at such place within the city of New-York as a majority of the directors for the time being shall appoint; and public notice shall be given by the said directors not less than thirty days previous to the time of holding the said election, by an advertisement to be inserted in at least two of the public newspapers printed in the said city of New-York; and the said election shall be made by such of the stockholders of the said company as shall attend for that purpose in their proper persons, or by proxy; and all elections for directors shall be by ballot, and the twelve persons who shall have the greatest number of votes at any election shall be the directors; and if it shall happen at any election that two or more persons have an equal number of votes in such manner that a greater number of persons than twelve shall by plurality of votes appear to be chosen as directors, then the said stockholders herein before authorized to vote at such elections shall proceed to ballot a second time, and

Concerns of said company to be conducted by 13 directors to be elected annually.

Directors to elect one of their number president.

Vacancies how to be filled.

Directors first named.

Certain general powers of the directors.

Especial privileges, powers and authorities to the said company and persons acting under them.

by plurality of votes determine which of the persons so having an equal number of votes shall be the director or directors, so as to complete the whole number of twelve; and the said directors, as soon as may be after their election, shall proceed in like manner to elect by ballot one of their number to be their president; and if any of the directors so to be elected shall at any time remove out of the city of New-York, the office of such director or directors shall be considered as vacant; and if any vacancy or vacancies shall at any time happen among the directors by death, resignation, removal or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors for the time being, or the major part of them, shall appoint; that the first directors shall be Daniel Ludlow, John Watts, John B. Church, Brockholst Livingston, William Edgar, William Laight, Paschal N. Smith, Samuel Osgood, John Stephens, John Broome, John B. Coles and Aaron Burr, who shall hold their offices until the second Tuesday in December next, and the said first directors at their first meeting shall proceed to appoint their president.

IV. *And be it further enacted,* That the directors shall have power to appoint the time and place of all meetings for the dispatch of business, to appoint all such officers, agents and servants as they shall deem necessary for carrying into effect the powers by this act vested in the said company, and to establish rules and regulations for and concerning the conduct and government of such officers, agents and servants.

V. *And be it further enacted,* That it shall be lawful for the said company, and any person or persons employed by them or acting under their authority, to enter into and upon, and freely to make use of any land which they shall deem necessary for the purpose of conducting a plentiful supply of pure and wholesome water to the said city, and to erect any dams or other works across or upon any stream or streams of water, river or rivers, or any other place or places where they shall judge proper for the purpose of raising such stream or streams, or turning the course thereof, or of making use of such streams, rivers or places for constructing or working of any necessary engines, and to construct, dig or cause to be opened any canals or trenches whatsoever for the conducting of such stream or streams, or any other quantity of water, from any source or sources that they may see fit, and to raise and construct such dikes, mounds or reservoirs as they may judge proper for securing and conveying such supply of water as aforesaid to the said city, and to survey and lay out all such lands and streams as they may think proper, in order to ascertain the best mode of furnishing such supply, and the best and

most productive streams and sources or fountains of water for that purpose, and to lay and conduct any number of pipes, conduits or aqueducts through or over any of the said lands, or any rivers or streams of water as they may see fit, to or towards the said city, and in any and every part of the said city, and to agree with the owner or owners of any mills, lands, tenements or hereditaments that may be damaged or affected by any of the said operations for and about a reasonable compensation to be made to him, her or them, for such mills, lands, tenements or hereditaments, or the use thereof, as may be used or occupied for the purposes aforesaid, or any of them, or for any damage which he, she or they, or any of them may sustain by the employing, diverting or obstructing any such stream or streams, or using any such lands, or the cutting, laying, raising or making any such reservoirs, aqueducts, canals, trenches, pipes, conduits, dikes or mounds as aforesaid; but in case of disagreement, or in case the owner or owners of such mills, lands, tenements or hereditaments shall be *feme covert*, under age, *non compos mentis*, or out of the state, then it shall be lawful for the judges of the supreme court of this state, or any one of them (not being an inhabitant of the said city) upon the application of either party, to nominate and appoint three indifferent persons to view, examine and survey the said mills, lands, hereditaments and tenements, and to estimate the injury sustained as aforesaid, and to report thereupon to the said court without delay, and upon the coming in of such report, and the confirmation thereof by the said court, the said president, directors and company shall pay to the said owners respectively the sum mentioned in such report, in full compensation for the said mills, lands, hereditaments and tenements, or for the injury sustained as aforesaid, as the case may be, and upon such payment the said president, directors and company shall be and become seised in fee of all such mills, lands, hereditaments and tenements as they shall have taken possession of and paid for as aforesaid, and they and all those who have acted under them, shall be acquitted from and freed from responsibility for or on account of any such injury.

VI. *And be it further enacted*, That it shall be lawful for the said company hereby incorporated, and for all and every person or persons employed by or under them, for the purposes contemplated by this act, from time to time to enter upon any lands contiguous or near to said streams, fountains, aqueducts, dams or other works, or the places which may be selected for and intended to be used and employed for the same, with carts, waggons or other carriages and beasts of draught and burthen, and all necessary tools and implements, both for executing and making, and also for altering and repairing the said works, or any

Their farther
privileges.

of them, and to take and carry away any timber, stone, clay, gravel, sand or earth from the same, for the making, altering or repairing the said works, or any of them, subject always to the making of compensations for all damages thereby occasioned, either by agreement of parties, or in the mode herein before prescribed.

President and directors to make and establish bye-laws, &c.

To agree with the corporation of the said city and others for the water.

Provide.

Surplus capital how disposed of.

To demand from the stockholders respectively such proportion of the sum subscribed as they shall see fit.

Persons wilfully damaging any of the works how dealt with.

VII. *And be it further enacted,* That it shall be lawful for the president and directors of such company from time to time to make and establish such bye-laws and ordinances as they may think fit and proper, and as may be consistent with the constitution and laws of this state and of the United States, for conducting and managing the affairs of the said company, and for conducting and preserving the said works, and every of them, and for conveying, employing, distributing and disposing of the water so to be conducted as aforesaid, and for carrying into effect all the objects and purposes of the said incorporation ; and may also agree with the corporation of the city of New-York, the inhabitants of the said city, and others choosing to take or use the said water, regarding the rates at which the same shall be paid for : *Provided,* That the said company shall, within ten years from the passing of this act, furnish and continue a supply of pure and wholesome water sufficient for the use of all such citizens dwelling in the said city as shall agree to take it on the terms to be demanded by the said company, in default whereof the said corporation shall be dissolved.

VIII. *And be it further enacted,* That it shall and may be lawful for the said company to employ all such surplus capital, as may belong or accrue to the said company in the purchase of public or other stock, or in any other monied transactions or operations not inconsistent with the constitution and laws of this state or of the United States, for the sole benefit of the said company.

IX. *And be it further enacted,* That it shall be lawful for the said directors to call and demand from the stockholders respectively all such sums of money by them subscribed or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares, and of all previous payments thereon, to the said president, directors and company.

X. *And be it further enacted,* That if any person or persons shall wilfully do or cause to be done any act whatsoever whereby the said works, or any pipe, conduit, canal, watercourse, mound, plug, cock, reservoir, dike, or any engine, machine or structure, or any matter or thing appertaining to the same shall be stopped, obstructed, impaired, weakened or injured, the person or persons so offending shall forfeit and pay to the said company treble the amount of the damages sustained by means of such offence or injury, to be recovered by such company, with costs of

suit and by action of debt, in the supreme court of judicature of this state, which action shall in every instance be considered as transitory in its nature, and shall and may be triable in any county in this state.

Farmer's Bank.

TWENTY-FOURTH SESSION. CHAP. XCIII.

An ACT to incorporate the Stockholders of the Farmer's Bank.

Passed 31st March, 1801.

WHEREAS Elijah Janes, Charles Seldon and others, associated as a company, under the style of the Farmer's bank, by their petition presented to the legislature, have prayed for the privilege of being incorporated, the better to enable them to carry on the purposes of their institution : Therefore, Preamble.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That all such persons as now are, or hereafter shall be stockholders of the said bank, shall be, and hereby are ordained, constituted and declared to be, from time to time and until the first Tuesday of March, which will be in the year of our Lord one thousand eight hundred and eleven, a body corporate and politic, in fact and in name, by the name of The president, directors and company of the Farmer's bank, and that by that name they and their successors until the said first Tuesday of March, one thousand eight hundred and eleven, shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may have a common seal, and may change and alter the same at their pleasure, and also, that they and their successors, by the same name of The president, directors and company of the Farmer's bank, shall be in law capable of purchasing, holding and conveying any estate real or personal, for the use of the said corporation. Stockholders incorporated and style of the incorporation.

II. *And be it further enacted,* That a share in the said bank shall be fifty dollars and the number of shares shall not exceed five thousand, exclusive of any shares that may be subscribed on the part of this state, and subscriptions shall be kept open under the direction of the president and directors of the said bank until the said number of shares shall be subscribed, and at such times and places as they shall think proper, and the whole amount of the stock, Price of each share and limitation of their number.

estate and property which the said corporation shall be authorized to hold, including the capital stock above mentioned, shall never exceed in value three hundred thousand dollars.

Affairs of said corporation to be managed by 13 directors, one of whom to be president, to be chosen annually.

Elections for directors how to be notified and held.

Vacancies how to be filled.

First directors named.

III. *And be it further enacted,* That the stock, property, affairs and concerns of the said corporation shall be managed and conducted by thirteen directors, one of whom to be president, who shall hold their offices for one year, which directors shall be stockholders, citizens of this state, and residing two of them in the village of Waterford, five of them in the village of Lansingburgh, and six of them in the village of Troy, and shall be elected on the first Monday in February in every year, at such place in the town of Troy as a majority of the directors (who shall upon all occasions constitute a board for doing business) for the time being shall appoint, and public notice shall be given by the said directors in one of the newspapers printed in the village of Lansingburgh or Troy, of such time and place, not more than sixty nor less than thirty days previous to the day of holding said election ; and the said election shall be held and made by such of the stockholders of the said bank as shall attend for that purpose, either in person or by proxy, which proxies shall always be stockholders ; and all elections shall be by ballot, and the thirteen persons who shall have the greatest number of votes, and residing in the villages as aforesaid, shall be directors ; and if it should happen at any election that two or more persons have an equal number of votes, then the said directors in office at the time of such election, or a major part of them, shall proceed to ballot, and by plurality of votes determine which of the said persons so having an equal number of votes shall be the director or directors, so as to complete the whole number of thirteen ; and the said directors chosen at such election, as soon as may be thereafter, shall proceed in like manner to elect by ballot one of their number to be their president ; and if any director shall remove out of this state, his office shall be considered as vacant ; and whenever any vacancy or vacancies shall happen among the directors, by death, resignation or removal, such vacancy or vacancies shall be filled for the remainder of the year in which they shall happen, by such person or persons as the remainder of the directors, for the time being, or a majority of them, shall appoint ; and the first directors shall be Samuel Stewart, Guert Van Schoonhoven, John D. Dickenson, James Hickock, Charles Seldon, William Bradley, Elijah Janes, Benjamin Tibbets, Ephraim Morgan, John Woodworth, Daniel Merrit, Townsend M'Coun and Christopher Hutton ; and shall hold their offices respectively until the first day of February, which will be in the year one thousand eight hundred and two.

IV *And be it further enacted*, That in case it should at any time happen that an election of directors should not be made on any day when pursuant to this act it ought to have been done, the said corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated by the laws and ordinances of the said corporation.

Election not held pursuant to this act corporation not to be dissolved.

V. *And be it further enacted*, That the directors for the time being, or a major part of them, shall have power to make and prescribe such bye-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, the duties and conduct of the officers, clerks and servants employed therein, the election of directors, and all such other matters as appertain to the business of a bank, and shall also have power to appoint so many officers, clerks and servants for carrying on the said business, and with such salaries and allowances, as to them shall seem meet ; *Provided*, That such bye-laws, rules and regulations be not repugnant to the constitution and laws of the United States or of this state.

Power and authority of the said directors.

VI. *And be it further enacted*, That the said bank shall be established and kept, and the buildings necessary for the accommodation thereof erected, and the business thereof at all times hereafter transacted at such place in the town of Troy, as Hosea Moffat, Jonathan Brown, John E. Van Alen and James M'Kown, or any three of them, shall designate and point out ; which location, when so made, shall be unalterable, and said place shall be near the road leading from Troy to Lansingburgh, and not further north than the Mill-creek, nor further south than the house of Joshua Raymond ; and the said buildings, necessary for the accommodation of said bank, shall be erected, and so far completed, as to admit the transaction of the business of said bank by the first day of December next after the passing of this act.

Bank where to be kept and the necessary buildings to be erected.

VII. *And be it further enacted*, That this state shall have a right to subscribe any number of shares to the said bank, not exceeding in the whole the number of two hundred, at any time when they shall by law authorize any person or persons for that purpose ; and the state shall have a right to increase the number of shares and stock which the said corporation may hold to the amount of the sum to be subscribed, if the number of shares herein before limited shall be subscribed before such subscription shall take place on the part of the state.

This state to have a right to subscribe the number of shares herein mentioned.

VIII. *And be it further enacted*, That the total amount of debts which the said corporation shall at any time owe, whether by bond, bill, note or other contract, over and above the specie then actually deposited in the bank,

Amount of debts which the said corporation may at any time owe.

shall not exceed three times the sum of the capital stock subscribed and actually paid into the said bank ; and in case of such excess the directors under whose administration it shall happen, shall be liable for the same in their separate and private capacities, but this shall not be construed to exempt the said corporation, or any estate, real or personal, which they may hold as a body corporate, from being also liable for and chargeable with such excess ; but such of the directors who have been absent when the said excess was contracted, or who may have dissented from the resolution or act whereby the same was so contracted, shall not be so liable.

Lands and tenements which it shall be lawful for the said corporation to hold.

Restriction of said corporation as to dealing or trading.

Bills obligatory and of credit under the seal of said corporation made assignable by indorsement.

And bills or notes issued by order of the said corporation and not under seal.

Directors to demand of the stockholders the sums subscribed.

IX. *And be it further enacted*, That the lands, tenements and hereditaments which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transacting of its business, or such as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts ; *And further*, The said corporation shall not directly or indirectly, deal or trade in buying or selling any goods, wares, merchandizes or commodities whatsoever, or in buying or selling any stock created under any act of the United States or any particular state, unless in selling the same when truly pledged by way of security for debts due to the said corporation.

X. *And be it further enacted*, That the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by indorsement thereupon under the hand or hands of such person or persons, his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees respectively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her or their own name or names ; and bills or notes which may be issued by order of the said corporation promising the payment to any person or persons, his, her or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same in like manner and with like force and effect as upon any private person or persons if issued by him, her or them, in his, her or their private or natural capacity or capacities, and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons.

XI. *And be it further enacted*, That it shall be lawful for the directors for the time being to call and demand from the stockholders respectively all such sums of money by them subscribed or to be subscribed at such

times and in such proportions as they shall see fit, under pain of forfeiture of their shares and of all previous payments thereon to the said company; always however giving sixty days previous notice of such call and demand in one of the newspapers to be published as aforesaid.

XII. *And be it further enacted*, That this present act of incorporation shall in no wise be forfeited by any non-user whatsoever at any time before the first day of September next, and that it shall on that day be lawful for the stockholders above mentioned to assemble for the purpose of carrying the same into effect, any want of notice in the manner above prescribed to the contrary in any wise notwithstanding.

Incorporation not to be forfeited by non-user before the 1st of Sept. next.

XIII. *And be it further enacted*, That each stockholder at elections, and on all other questions, shall be entitled to the number of votes proportioned to the number of shares which he or she shall have held in his or her own name, for at least three months preceding such time, according to the following ratio, that is to say; One vote for every share not exceeding eight, ten votes for twenty shares, twenty votes for thirty shares, and one vote for every ten shares above thirty, but no person, co-partnership or body politic shall be entitled to more than fifty votes; and no stockholder, unless actually resident within the United States, shall vote at elections or on any other occasions by proxy.

Apportionment of votes to each stockholder.

XIV. *And be it further enacted*, That it shall be the duty of the directors to make half-yearly dividends of so much of the profits of the said bank as to them, or a majority of them shall seem advisable; and that every cashier and clerk before he enter upon the duties of his office shall give bond, with two or more sureties, to be approved of by the directors for the time being, or a majority of them, in a sum not less than ten thousand dollars for such cashier, and two thousand dollars for each clerk, conditioned for the faithful discharge of their several duties.

Directors to make half yearly dividends.

Cashier and clerks to give bond for the faithful performance of their duties.

XV. *And be it further enacted*, That the said corporation shall not demand any greater interest on any loan or discount than at the rate of six per centum per annum.

Amount of interest not to exceed 6 per cent per annum.

XVI. *And be it further enacted*, That this act be and is hereby declared to be a public act, and that the same be, for the time herein before limited, construed in all courts and places benignly and favourably for every beneficial purpose therein mentioned.

This act declared a public act.

Ferries.

[See the general act on this subject, Vol. 1, p. 163. E.]

EIGHTH SESSION. CHAP. XLVI.

An ACT establishing and regulating Ferries across the East-River, between the Counties of Queens and Westchester.

Passed 31st March, 1785.

Certain ferries to be leased for a term of years.

Places where the ferry-boats shall land.

II. **A**ND *be it further enacted by the authority aforesaid,* That it shall and may be lawful for the justice or justices of the peace, resident in the several townships of Oyster-bay in Queens county, and New-Rochelle in Westchester county, and the overseers of the poor of the said respective townships, or a majority of them, to lease for any term not less than four, nor exceeding seven years, the right and privilege of setting up, keeping and maintaining a ferry from their respective townships, across the East-river to such landing places in the said two counties as are herein after mentioned ; that is to say, That the ferry-boat from the township of Oyster-bay, shall and may land at such dock or landing place in the township of Rye in Westchester county as the ferry in the said township of Rye shall and may by law be kept ; and that the ferry-boat from the said township of Rye, shall and may land at such dock or landing-place in the said township of Oyster-bay, as the ferry in the said township of Oyster-bay, shall by virtue of this act be kept ; that the ferry-boat which shall be kept by the before mentioned Richard Sands, his heirs, executors or administrators, shall and may land at such dock or landing-place in the township of New-Rochelle as the ferry in the said township of New-Rochelle, shall by virtue of this act be kept ; and that the ferry-boat from the said township of New-Rochelle, shall and may land at such dock or landing-place at Cow-neck aforesaid, as the said Richard Sands, his heirs, executors or administrators, shall erect and keep, as is herein after mentioned ; and that it shall and may be lawful for the justice or justices of the peace, resident in the several townships of Oyster-bay and New-Rochelle, and the overseers of the poor of the said respective townships, or a majority of them, to lease for any term not less than four, nor exceeding seven years, to such person or persons, and at such yearly rent as they shall deem proper, the right and privilege of setting up, keeping and maintaining a ferry across the East-river, to and from the respective townships before mentioned ; and the rent to be reserved as aforesaid, shall be applied towards the maintenance and support of the poor of the respective townships aforesaid.

III. *And be it further enacted by the authority aforesaid,* That the said Richard Sands, his heirs, executors and administrators shall, if he or they shall set up a ferry by virtue of this act, erect a convenient dock or landing-place on such part of the lands of the said Richard Sands, near Sands' point at Cow-neck aforesaid, as shall be most suitable for the purpose ; and shall by writing under hand and seal, covenant and agree with the overseers of the poor of the township of North-Hempstead in Queen's county, for the time being, that he the said Richard Sands, his heirs, executors and administrators, shall and will keep and maintain a good and sufficient ferry, and will not take or receive nor suffer to be taken or received, any greater price or rate of ferriage than are herein after allowed to be received or taken ; and shall also pay to the overseers of the poor of the township of North-Hempstead, for the time being, for the use of the poor of the said township, such annual rent as shall previously be agreed on, by and between the said overseers of the poor, for the time being, and the said Richard Sands ; and that the justice or justices of the peace resident in the several townships of Oyster-bay and New-Rochelle, and the overseers of the poor of the said respective townships, for the time being or a majority of them, in the leases to be by them respectively made, shall covenant and agree with the person or persons to whom they shall respectively lease the right and privilege of setting up and keeping a ferry as aforesaid, that such person or persons shall during the term of his or their said lease, keep, support and maintain a sufficient ferry-boat, ready at all reasonable times and seasons, to carry and transport the persons and articles following, at the rates following : [Rates of ferriage altered—See the next act.]

Dock to be erected near Sands' Point at Cow-neck.

Justices in their leases to covenant with persons keeping ferries to maintain sufficient ferries, and at certain rates.

IV. *And be it further enacted by the authority aforesaid,* That if the above mentioned Richard Sands, his heirs, executors or administrators, or any ferryman, or person employed by him or them, or any other person or persons whatsoever, to whom the right and privilege of setting up and keeping a ferry shall be granted in pursuance of this act, or the ferryman or person employed by them respectively, shall take, exact or receive, any greater or higher rates for transporting persons, goods and chattels, or other things whatsoever, than are herein before limited and established, he or they, or any of them so offending, shall forfeit and pay for every such offence the sum of twenty shillings, to be recovered in any court within this state having cognizance thereof, by any person who shall sue for the same ; *Provided always,* That nothing herein before contained, shall be construed to exclude any person or persons living or inhabiting on the shores of the said East-river within the counties of Queens and Westches-

If any greater rates for ferriages are taken, the offender to forfeit 20 shillings.

No persons to be excluded by this act from ferrying in their own boats.

ter, from the right of carrying and transporting themselves and their goods and chattels respectively in their own boats, without paying any rate of ferriage.

Unauthorized persons keeping a ferry to forfeit two pounds.

V. *And be it further enacted by the authority aforesaid,* That if any person or persons shall set up, keep or maintain a ferry, or shall carry or transport any person, goods or chattels for hire or pay across the East-river, between the said counties of Queens and Westchester, other than such person or persons as shall be authorized to set up and keep a ferry in pursuance of this act, and other than such person or persons as shall keep and maintain a ferry across the aforesaid river by virtue of any patent or charter-right heretofore granted for the purpose, and not since annulled or vacated, such person or persons shall for every such offence forfeit and pay the sum of two pounds, to be recovered in any court within this state having cognizance thereof, by any person who shall sue for the same.

After the expiration of the term granted to the said Richard Sands said ferry to be leased again.

VI. *And be it further enacted by the authority aforesaid,* That at the expiration of the term hereby granted to the said Richard Sands, his heirs, executors and administrators, for setting up and keeping a ferry in the manner aforesaid, or if the said Richard Sands, his heirs, executors or administrators, shall sooner decline, neglect or refuse to keep and maintain such ferry, it shall then be lawful for the justice or justices of the peace resident in the aforesaid township of North-Hempstead and the overseers of the poor of the said township, or a majority of them, to lease the right and privilege of setting up and keeping a ferry from the said township of North-Hempstead to the township of New-Rochelle in like manner and under the same rules and regulations as are herein before prescribed for the townships of Oyster-bay and New-Rochelle ; *Provided always,* That nothing in this act contained shall be deemed or construed to extend to or affect any ferry or ferries now kept to the westward of the township of Flushing in Queens county, or to the westward of Frog's Neck in Westchester county ; any thing herein before contained notwithstanding.

Certain ferries not to be affected by this act.

NINETEENTH SESSION. CHAP. XXXVII.

An ACT establishing the Rates of Ferriage across the East-River, between the Counties of Queens and Westchester.

Passed the 26th day of March, 1796.

Rates of ferriage between Cow-neck and New-Rochelle.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the persons who now are or hereafter may be authorized to keep the ferries established between Cow-neck in Queens county, and New-Rochelle in West-

chester county, instead of the ferriage now allowed by law, to ask, demand and receive at and after the rates following, to wit : For each man and horse, six shillings ; for a foot passenger, if one only, four shillings, if more than one, then two shillings each ; for a horse and chair, with passengers, eight shillings ; for every head of neat cattle, two shillings ; for every sheep, calf or hog, four pence ; for a waggon with two horses and passengers, twelve shillings ; for a sled with two horses with passengers, twelve shillings ; for a sled and one horse with passengers, eight shillings, and so in proportion for other things ; *And further*, That it shall and may be lawful for the persons who now are or hereafter may be authorized to keep the ferries between the town of Rye, in Westchester county, and the town of Oyster-bay, in Queens county, instead of the ferriage now allowed by law, to ask, demand and receive at and after the rates following, to wit : For each man and horse, eight shillings ; for a foot passenger, if one only, five shillings, if more than one then two shillings and six pence each ; for a waggon and two horses with passengers, sixteen shillings ; for a horse and chair with passengers, ten shillings ; for every head of neat cattle, two shillings and six pence ; for every sheep, calf or hog, six pence ; for a sled and two horses with passengers, sixteen shillings ; for a sled and one horse with passengers, ten shillings ; and so in proportion for other things.

And between
Rye and Oyster-bay.

T W E N T Y - T H I R D S E S S I O N . C H A P . X X V I I I .

An ACT for establishing and regulating a Ferry across the Hudson-River, between the Counties of Westchester and Rockland.

Passed 19th March, 1800.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for Joseph Travis, of the town of Cortlandt in the county of Westchester, and Joshua Colwill, of the town of Haverstraw in the county of Rockland, and their assigns, to set up, keep and maintain a ferry across the Hudson's river, from the landing of the said Joseph Travis, at Peekskill, in the said town of Cortlandt, to the landing of the said Joshua Colwill, in the said town of Haverstraw, and from the said landing of the said Joshua Colwill to the said landing of the said Joseph Travis, for and during the term of twenty-one years, to be computed from the first day of August next.

Persons here-
in mentioned
authorized to
set up a ferry
across Hud-
son's river.

II. *And be it further enacted*, That the said Joseph Travis and Joshua Colwill, and their assigns, shall, if they shall set up a ferry by virtue of this act, erect a convenient dock or landing place, if not already erected, on such part

Their duties

Rates of fer-
riage.

of the lands of the said Joseph Travis, at or near his dock in Peekskill aforesaid, and on such parts of the lands of the said Joshua Colwill, at or near his dock in Haverstraw aforesaid, as shall be most suitable for the purpose, and shall each of them, during the term aforesaid, keep, support and maintain a sufficient ferry-boat capable of conveying six horses each, and ready at all reasonable times and seasons to carry and transport the persons and articles following, and at the rates following, that is to say : From the dock and landing of the said Joseph Travis at Peekskill aforesaid to the dock and landing of the said Joshua Colwill in Haverstraw aforesaid, or from the said dock and landing of the said Joshua Colwill to the said dock and landing of the said Joseph Travis, for each man and horse, fifty cents ; for a foot passenger, if one only, thirty-two cents, if more than one then each person twenty-five cents ; for a horse and chair with travellers, seventy-five cents ; for every head of neat cattle, twenty-five cents ; for every sheep, calf or hog, seven cents ; for a waggon or other four-wheeled carriage with two horses and travellers, one hundred and twenty-five cents ; for a sled with two horses and travellers, one hundred and twelve and an half cents ; for a sled and one horse with travellers, seventy-five cents, and so in proportion for other articles.

Penalties for
exactting
higher rates
of ferriage.

III. *And be it further enacted*, That if the above named Joseph Travis or Joshua Colwill, or their assigns, or any ferryman or person employed by them, or either of them, shall take, exact or receive, any greater or higher rates for transporting persons, goods and chattels or other things whatsoever, than are herein before limited and established, he or they, or any of them so offending, shall forfeit and pay for every such offence the sum of two dollars and fifty cents, to be recovered in any court within this state having cognizance thereof, by any person who shall sue for the same.

Penalty on
persons keep-
ing a ferry
for hire with-
in certain
limits.

IV. *And be it further enacted*, That if any person or persons shall, after the said first day of August next, set up, keep and maintain a ferry, or shall carry or transport any person, goods or chattels, for hire or pay across the Hudson's river between the north part of Verplanck's point and the north line of the county of Westchester, and between the north part in the county of Rockland, of a line west from the place called King's ferry and the north line of the said county of Rockland, other than the said Joseph Travis and Joshua Colwill, and their assigns, such person or persons shall, for every such offence forfeit and pay the sum of five dollars, to be recovered in any court within this state having cognizance thereof, by any person who shall sue for the same ; *Provided always*, That nothing herein before contained shall be construed to exclude any person or persons living or inhabiting on the said Hud-

son's river, within the limits aforesaid, from the right of carrying and transporting themselves and their goods and chattels respectively in their own boats without paying any rate of ferriage.

V. *And be it further enacted*, That if it shall appear upon sufficient evidence to the court of common pleas of the county of Westchester, or of the county of Rockland, that the said Joseph Travis or Joshua Colwill, or their assigns, shall wilfully neglect to comply with the directions of this act in keeping the ferry aforesaid, it shall and may be lawful for either of the said courts to adjudge that all the privileges granted to them under this act shall cease and be of no effect.

Court of common pleas authorized to annul the privilege of said ferry in case of neglect.

T W E N T Y - F O U R T H S E S S I O N . C H A P . C V I .

An ACT to regulate the Ferry and Rates of Ferriage between the City of New-York and the Island of Nassau.

Passed 2d April, 1801.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the rates or prices for carrying men, women, horses, cattle, grain, and all other goods, merchandize and things whatsoever, in the ferry boats from the city of New-York to the island of Nassau, or from the island of Nassau to the said city of New-York, shall be as follows, that is to say :

Rates of ferriage between New-York and Nassau Island.

For every horse, mare or gelding, with or without a saddle, twelve and an half cents.

Every ox, ~~fifteen and an half cents~~, and other neat cattle, ~~twelve and an half cents each~~ 10⁵ cents each.

Every live calf, hog or sheep, three cents, and for every lamb, two cents.

Every hundred weight of butter, cheese, hogs lard, hams, tallow or bacon, three cents.

Every hundred weight of bar iron, nail rods, nails, steel, shot, painter's colours, lead, pewter, rice, sugar, copperas, allum, brimstone, dye-wood, or any other kind of grocery commonly sold by the hundred, three cents.

Every hundred weight of copper, brass or iron hollow ware, six cents.

Every hundred weight of gun-powder, six cents.

Every hundred weight of beef in quarters, two cents.

Every hundred weight of beaver, raccoon skins, or coats, or other furs, four cents.

Every bushel of salt, wheat, rye, Indian corn, buckwheat, flaxseed, or any other article of grain commonly sold by the bushel, an half cent.

Every bushel of apples, pears, peaches, potatoes, turnips, walnuts, green beans and peas, and every other article, sold by the bushel heaped measure, an half cent.

the ferry master to send the

For every hundred of sheep's head, shad or bass, twelve and an half cents.

Every hundred perch, three cents.

Every bag full of flour, meal, or bread not exceeding two bushels, one cent.

Every barrel of wheat or flour, rye or Indian meal, three cents.

Every barrel of bread, two cents.

Every hogshead or pipe of wine, rum, brandy or molasses containing one hundred and twenty gallons, thirty-seven and an half cents, and in that proportion for casks of a greater or less size.

Every barrel of soap, six cents.

Every hogshead of cider, twenty cents.

Every barrel of cider, six cents.

Every barrel of beef or pork, six cents.

Every empty pipe or hogshead, six cents.

Every empty tight barrel, two cents.

Every empty flour cask, one cent.

Every turkey, goose, brandt or other wild or tame fowl, one quarter of a cent.

Every dozen of small birds, one quarter of a cent.

Every hundred eggs, two cents.

Every coach, eighty cents.

Every phaeton, fifty-five cents.

Every one horse chaise, thirty-one cents.

Every riding chair or gig, twenty-five cents.

Every sulkey, twenty cents.

Every waggon, thirty-seven and an half cents.

Every double sleigh, twenty cents.

Every single sleigh, fifteen and an half cents.

Every pair of cart wheels, twelve and an half cents.

Every pair of chair or waggon wheels, six cents.

Every thousand three feet shingles, fifty cents.

Every thousand shingles from twenty-four to twenty-seven inches in length, thirty-one cents.

Every thousand shingles from eighteen to twenty-two inches in length, twenty-five cents.

Every thousand feet of joice or scantling, thirty-one cents.

Every board of one inch thick, twelve inches wide, and fourteen feet in length, three quarters of a cent, and in that proportion for boards and plank of different lengths and thickness.

Every hundred lath for shingling, twenty-five cents.

Every thousand of cedar or pine lath for ceiling, twelve and an half cents.

Every cedar bolt, one cent.

Every hundred feet of window glass, three cents.

Every tierce of lime, twelve and an half cents.

Every bushel of loose lime, two cents.

- For every thousand of brick, twenty-five cents.
 Every full trunk or chest, nine cents.
 Every empty trunk or chest four cents.
 Every case with full bottles, four cents, and if empty, two cents.
 Every dozen wool or cotton cards, two cents.
 Every dozen of windsor or other setting chairs, twelve and an half cents.
 Every hundred weight of cotton or sheep's wool, six cents.
 Every cupboard or case of drawers, twenty-five cents.
 Every writing or other desk, nineteen cents.
 Every dozen scythes, two cents.
 Every corn fan, one cent.
 Every piece of oznaburgs or duck, two cents.
 Every piece of blankets, duffels, coatings or frize, four cents.
 Every piece of broadcloth, serge, shrouds, flannel, half thicks or drugget two, cents.
 Every piece of duroy, calimancoes, shalloon or linen, one cent.
 Every dozen of men's or boy's hats, one cent.
 Every man or woman's saddle, one cent.
 Every pair of blankets, one cent.
 Every rug, one cent.
 Every dozen of spades or shovels, two cents.
 Every looking-glass, two cents.
 Every dozen of frying pans, two cents.
 Every empty firkin or pail, one quarter of a cent.
 Every empty two bushel basket, one quarter of a cent, and smaller in proportion.
 Every dozen of empty bags, one half cent.
 Every side of sole leather, one cent.
 Every side of upper leather, one half cent.
 Every calf skin, one quarter of a cent.
 Every beef's hide, two cents.
 Every barrel of tar, pitch, turpentine or rosin, six cents.
 Every hundred weight of cordage, three cents.
 Every coach body, twenty-five cents.
 Every chaise, chair or sulkey body, nine cents.
 Every passenger, two cents.

And wherever a certain rate of ferriage is fixed for any particular quantity or weight of goods or merchandize, a proportionable rate shall be taken for any greater or less quantity or weight of the same goods ; *Provided always,* That no ferriage shall be paid for a suckling child, or for such small articles not before enumerated as a woman carries in her apron, or a man or boy in his hand or under his arm.

Larger quantities or weight in the same proportion.

II. *And be it further enacted,* That the ferriage of all other goods, merchandize and things whatsoever not spe-

Articles not specified to be

in proportion
to weight or
quantity.

Persons refus-
ing to pay to
forfeit treble
the sum.

Disputes con-
cerning fer-
riage how
settled.

Corporation
of New-York
entitled to
the said fer-
riage.

Penalty on
any ferryman
for taking
more than
lawful fer-
riage.

Ferryman to
affix up in a
public place
the rates of
ferriage, un-
der penalty.

One boat to
be always
ready on each
side of the
river, under
a penalty.

cified in this act, from the city of New-York to the isl-
and of Nassau, or from the island of Nassau to the city
of New-York, shall be paid according to the rates above
specified, in proportion to the weight or quantity trans-
ported, and not otherwise ; and if any person shall refuse
to pay to the ferryman the rates and prices of ferriage
established by this act, the person so refusing shall forfeit
and pay to such ferryman treble the rate to which such
person was liable by this act ; to be recovered with costs
of suit in any court having cognizance thereof ; and if
any disputes shall arise concerning the rates or prices of
ferriage for any goods or commodities, not particularly
expressed in this act, and the matter be brought before
any justice of the peace by the contending parties, such
justice shall hear and determine the same so as to him
shall appear to be conformable to the true intent and
meaning of this act, and shall award costs against the
party in default.

III. *And be it further enacted*, That it shall be lawful
for the mayor, aldermen and commonalty to demand and
receive the rates and prices of ferriage aforesaid for the
said ferriage from and to the said city as aforesaid, and
may establish and keep one or more ferries between the
said city and the island of Nassau as aforesaid.

IV. *And be it further enacted*, That if any ferryman or
his servant shall ask, demand or take any greater or other
rates of ferriage from the said city of New-York to the
island of Nassau, or from the said island of Nassau to the
said city of New-York, than are herein before established,
the person so offending shall for every offence forfeit and
pay the sum of two dollars and fifty cents.

V. *And be it further enacted*, That every ferryman
shall paste upon a board and hang up in the porch of each
respective ferry-house, or at the most public place there-
in, a table fairly written or printed of the rates or prices
of ferriage as established by this act ; and in case any fer-
ryman shall neglect or refuse to hang up such table of
rates and prices of ferriage in manner aforesaid, he shall
for every day he shall so neglect or refuse to do the same
forfeit the sum of two dollars and fifty cents.

VI. *And be it further enacted*, That the ferryman shall
always have one or more boats ready on each side of the
river at least one half hour before sunrise, and so shall con-
tinue through the whole day until eight o'clock in the
evening, for the purpose of transporting passengers and
their effects ; and any ferryman who shall neglect to have
his boat or boats ready on each side of the river to carry
over passengers or their effects, at such time and times,
wind and weather permitting, every such ferryman so neg-
lecting shall forfeit and pay for every such neglect the
sum of one dollar and twenty-five cents to the person so

detained, to be recovered in any court having cognizance thereof; and every ferryman who shall neglect or refuse to come and go with the ferry-boats, wind and weather permitting, to and from such places in the said city as now are or hereafter shall be appointed for landing places by the mayor, aldermen and commonalty of the said city, shall for every such offence forfeit two dollars and fifty cents, to be recovered before any court having cognizance thereof, by any person who will sue for the same, and paid to the chamberlain of the said city towards defraying the public charges thereof.

Penalty on persons for neglect of duty.

York Rule

VII. *And be it further enacted,* That it shall be lawful for any of the inhabitants of the town of Brooklyn to transport their own goods in their own boats, from the island of Nassau to the city of New-York, and from the city of New-York to the island of Nassau, without paying any ferryage for the same; *Provided however,* That if any such inhabitant, under colour or pretext of transporting his or her own goods only shall carry or bring over the said ferry the goods of any other person of what kind soever, with or without hire or reward, every such inhabitant shall for every such offence forfeit and pay to the ferryman of such ferry two dollars and fifty cents, to be recovered with costs of suit before any justice of the peace or court having cognizance thereof.

Inhabitants of Brooklyn may transport their own goods in their own boats.

Proviso.

VIII. *And be it further enacted,* That no person other than the said mayor, aldermen and commonalty, shall erect or keep a ferry between the said city and Nassau-island for carrying or bringing of any passengers, horses, cattle, hogs, sheep, goods, merchandize, or other things whatsoever over the said ferry hereby rated, with or without any hire or reward, under the penalty of one hundred and twenty-five dollars for every such offence.

No person but the corporation of New-York to keep a ferry between New-York and Nassau-island, under a penalty.

IX. *And be it further enacted,* That all the penalties and forfeitures imposed by this act, except where the same is herein before otherwise appropriated, may be recovered with costs of suit in any court having cognizance thereof, by any person who will sue for the same to effect, the one moiety thereof when recovered to be paid to the overseers of the poor of the city or town where the same shall be recovered, for the use of the poor thereof, and the other moiety to the person who will sue for the same.

Penalties under this act how recovered and applied.

Turnpikes.

An ACT for constructing a Road and establishing and erecting Turnpikes between the City of Albany and the Town of Schenectady.

Obsolete.

Passed 1st April, 1797. Sess. 20, ch. 87.

Repealed.

An ACT to establish a Turnpike Corporation for improving the State-Road from the House of John Weaver, in Watervliet, to Cherry-Valley.

Passed April 4, 1798. Sess. 21, ch. 88.

Repealed.

An ACT to establish a Turnpike Corporation for improving the Road from the Springs in Lebanon to the City of Albany.

Passed April 5, 1798. Session 21, chap. 94.

TWENTY-SECOND SESSION. CHAP. XXX.

An ACT to establish a Turnpike Corporation for improving the State-Road from the House of John Weaver, in Watervliet, to Cherry-Valley, and to repeat the Act therein mentioned.

Passed 15th March, 1799.

Preamble.

WHEREAS the bridge over the Schoharie-kill, on the state-road, was by reason of the force of the water and ice last spring destroyed ; *And whereas*, The road on which the aforesaid bridge was erected is of public utility, and is one of the principal routes of communication between the city of Albany and the western settlements of this state : Therefore,

**First company
of the great
Western turn-
pike road.**

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That William North, John Tayler, Abraham Ten Eyck, Charles R. Webster, Calvin Cheeseman, Zenas Pineo, Ephraim Hudson, Joseph White, Elihu Phinney and Thomas Machin, and all such persons as shall associate for the purpose of making a good and sufficient road from the house where John Weaver now lives in the town of Watervliet, in the county of Albany, following the state-road westward to the house where John Walton now lives, in the town of Cherry-Valley, in the county of Otsego, shall and are hereby created and made a corporation and body politic, in fact and in name, by the name of president, directors and first company of the great western turnpike road ; and the said corporation shall by that name be capable in law to purchase, have, hold, enjoy and retain to them and their successors, lands, tenements, hereditaments, goods, chattels and effects of every kind whatsoever, and the same or any part thereof to sell, grant, demise, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts of record or any other place whatsoever ; Provided, That the lands so to be purchased as aforesaid, shall be such only as may be necessary to carry into effect the object of this act, and shall not exceed in value the sum of two thousand dollars.

II. *And be it further enacted,* That William North, Charles R. Webster, John Tayler, Zenas Pineo, Elihu Phinney, Joseph White, Ephraim Hudson and Calvin Cheeseman, be and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned ; that is to say, they shall on or before the first day of July next, procure five books, and in each of them enter as follows : We whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay to the president, directors and company of the great western turnpike road, the sum of forty dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportion, and at such time and place as shall be determined by the said president, directors and company ; and the said books shall be deposited with such persons, and opened at such time and places as the said commissioners may direct, and every subscriber shall at the time of subscribing pay unto either of the said commissioners ten dollars for each share so subscribed ; and the said commissioners shall as soon as one hundred shares shall have been subscribed, cause an advertisement to be inserted in one of the newspapers printed in the city of Albany, and in the newspaper printed in Cooperstown, giving at least thirty days notice of the time and place the said subscribers shall meet for the purpose of choosing thirteen directors (who shall be stockholders) for the purpose of managing the concerns of the said company for one year ; and the day on which the directors shall be chosen shall for ever hereafter be the anniversary day for choosing directors ; and the said directors, elected by a plurality of votes of the stockholders present, shall immediately proceed to the choice of one of their number for president ; and the said president and directors may meet from time to time, and shall have power to make such bye-laws, rules, orders and regulations, not inconsistent with the constitution or laws of this state or of the United States, as may be necessary for the well ordering the affairs of the said corporation ; *Provided,* That no bye-laws or regulations shall give or allow more than ten votes to any stockholder, and that each person shall be entitled to one vote for every share by him held under the said number.

Commissioners to perform certain duties.

To notify the choosing directors.

Directors to choose a president.

Bye-laws to be established.

III. *And be it further enacted,* That not less than seven directors shall constitute a board for the transaction of business, of whom the president shall always be one, except in case of necessary absence, in which case his place shall be supplied by another director whom he by writing under his hand shall nominate.

Board of directors how constituted.

IV. *And be it further enacted,* That the said president and directors may continue to receive subscriptions to the stock of the said corporation until two thousand shares shall have been subscribed.

Number of shares limited.

Alterations
in said road
when made.

V. *And be it further enacted*, That if it shall appear to the said president and directors, that if by deviating from the state-road so called, the distance between the places designated for the commencement and ending of the said road, can be materially shortened, it shall be lawful for the president and directors to make such alterations as may be found necessary, and to lay the road herein contemplated to be made in and through any enclosed, improved or unimproved lands, and with their carriages, beasts, tools and implements, to enter in and upon any lands contiguous to the said road, and to carry away any timber, stones, gravel, sand or other earth, being more conveniently situated for making or repairing said road, and to use the same in carrying on the said work, the said president and directors paying the owner or owners of the land so to be laid out as part of the road, the value of the land or of the materials aforesaid, as the case may be, together with such reasonable sum for damages as may be agreed on, and in case of disagreement between the parties as to said value or damages, the same shall be determined by an appraisement, to be made on oath of three, or if they disagree, of two indifferent freeholders, to be mutually chosen, or (if the owners of the said land or materials, refuse or neglect to join in the choice) to be appointed by any justice of the peace of the county in which the lands or property in dispute shall lie.

Damages how
ascertained.

Duties and
powers of the
directors.

VI. *And be it further enacted*, That it shall be lawful, and it is hereby made the duty of the president and directors, to make and repair the said road from the before named John Weaver's in the town of Watervliet, to the before named John Walton's in the town of Cherry-Valley, in the best manner their funds will admit, either by bedding the same or such part thereof as may be necessary with stone or other hard substance, or by ditching on each side, raising the low places and digging down the hills in such manner as to make the same passable and convenient for loaded carriages ; and the said president and directors are hereby empowered to commence their operations by making a good and sufficient bridge over the Schohariekill, at or near the place where the former bridge on said state-road stood.

Further operations on the
said road.

VII. *And be it further enacted*, That the said president and directors, after completing the bridge aforesaid, may and shall continue their operations by making and repairing such part or parts of the said road as they may judge will be most conducive to the convenience of travellers, and so from time to time until the work is completed and finished.

Gate and
turnpike to
be erected at
the bridge.

VIII. *And be it further enacted*, That as soon as the bridge aforesaid shall be completed and finished, it shall be lawful for the president and directors to erect a gate

and turnpike upon and across the said bridge, and to ask, demand and receive, from all and every person and persons who shall cross said bridge, the same tolls and duties herein after granted to the said corporation for every ten miles of said road.

IX. *And be it further enacted*, That as soon as the afore-
said bridge is completed and made fit and convenient for
travellers to pass and repass, the president and directors
may appoint a toll-gatherer to collect and receive of and
from all and every person and persons crossing said bridge
the tolls and duties herein after mentioned, and no more.

Toll-gatherer
to be appointed.

X. *And be it further enacted*, That as soon as any part
of the said road not less than ten miles in any place or
part thereof is made passable and convenient as aforesaid,
notice thereof may be given to the person administering
the government of this state, who shall thereupon forthwith
nominate two or more persons to view the same, whose
duty it shall be to report to him in writing whether that
part of the said road is made and finished in a good and
proper manner according to the true intent and mean-
ing of this act, and if their report be in the affirmative,
then it shall be lawful for the person administering the
government of this state, by licence under his hand and
the privy seal of the state, to permit the said president, di-
rectors and company to erect and fix so many gates and
turnpikes upon and across said road as will be necessary
and sufficient to collect the duties and tolls herein after
granted to the said corporation, from all persons travel-
ling on the same ; *Provided*, That such gates and turn-
pikes (except the turnpike on the bridge herein before
mentioned) shall be erected at a distance not less than ten
miles from each other.

Certain pro-
ceedings pre-
vious to fix-
ing the gates.

XI. *And be it further enacted*, That as soon as the whole
or any part of the said road shall be completed and per-
mission to erect a gate or gates as aforesaid be granted,
the president and directors may appoint toll-gatherers to
collect and receive of and from all and every person or
persons using the said road, the tolls and duties herein af-
ter mentioned and no more, that is to say : Any number
of miles not less than ten in length of said road, the fol-
lowing sums of money, and so in proportion for any great-
er or lesser distance, or for any greater or lesser number
of sheep, hogs or cattle, to wit : For every score of sheep,
five cents, for every score of hogs, five cents, for every
score of cattle, twelve cents, for every horse and rider, or
led horse four cents, for every sulkey, chair or chaise with
one horse, twelve cents, for every chariot, coach, coachee
or phaeton, twenty-five cents, for every stage-waggon, or
other four wheeled carriage, drawn by two horses or oxen,
twelve cents, and three cents for every additional horse or
ox ; for every cart, sleigh or sled drawn by two oxen or
horses, six cents, and for every additional horse or ox, two

Toll gather-
ers to be ap-
pointed.

Rates of toll.

cents ; and it shall be lawful for any of the toll-gatherers to stop any person riding, leading or driving any horse, cattle, sheep or hogs, sulkey, phaeton, chair, chaise, cart, waggon, sleigh or other carriage of burthen or pleasure, from passing through the gates or turnpikes, until they shall have respectively paid the toll as above specified ; *Provided*, That nothing in this act shall be construed so as to entitle the said corporation to demand or receive toll of or from any person passing to or from public worship or to or from his common business on his farm, or to or from any mill.

Toll may be
tolled.

XII. *And be it further enacted*, That it shall be lawful for the president and directors at any time after the completion of said bridge and road, to lessen the rate of toll or duties, or to take away one or more of the gates and turnpikes, provided three-fourths of the stockholders shall agree thereto.

Mile-stones
and guide-
posts to be
erected.

XIII. *And be it further enacted*, That the said corporation shall cause mile-stones to be erected or placed, one for each and every mile, of the said road on which they shall be permitted to place gates and turnpikes, and on each stone placed as aforesaid, shall be fairly and legibly marked the distance of said stone from the city of Albany ; and shall also erect guide-posts at the intersection of each road leading into and from the said turnpike road, and to which posts boards shall be attached, on which shall be inscribed the name of the town in which the post stands, and the name of the town or towns to which the road leads in the direction to which the board points ; and the said corporation shall also cause to be affixed to each gate or turnpike a printed list of the rates of tolls which may be lawfully demanded.

Rates of toll
to be affixed
to each gate.

Penalty for
detaching the
mile-stones,
&c.

XIV. *And be it further enacted*, That if any person or persons shall break or throw down, or deface any of the mile-stones, guide-posts, hands or boards so erected for the information of the good people of this state, or shall cut, break down or destroy any of the gates or turnpikes which shall be erected in pursuance of this act, or shall forcibly pass the same without having paid the legal toll at such gate or turnpike, such person or persons shall forfeit and pay a fine not exceeding ten dollars nor less than one dollar, to be recovered by the treasurer of the corporation, to their use in an action of trespass ; and if any person shall with his team, carriage or horses, turn out of said road to pass the said gates on ground adjacent thereto, and again enter on said road, with intent to avoid the toll due by virtue of this act, such person shall forfeit and pay three times as much as the legal toll for any such person in passing through such gate or turnpike as aforesaid, to be recovered by the treasurer of the said corporation for the use thereof, in an action of debt.

XV. *And be it further enacted,* That if any toll-gatherer shall unreasonably delay or hinder any traveller or passenger at any of the gates, or shall demand or receive more toll than is by this act established, he shall for every such offence forfeit and pay the sum of five dollars, to be prosecuted for and recovered before any justice of the peace in the county where such offence shall be committed, for the sole use of the person so unreasonably delayed, hindered or defrauded.

Penalty on toll-gatherers for neglect of duty.

XVI. *And be it further enacted,* That the shares in the said turnpike road shall be taken, deemed and considered to be personal estate, and shall and may be transferable ; all such transfers shall be made and inserted on the books of the said president, directors and company.

Shares deemed personal property.

XVII. *And be it further enacted,* That the president and directors of the said corporation shall keep a just and fair account of all monies received by the several collectors of toll on said road, and shall make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted) amongst the stockholders of the said corporation, and shall on the second Tuesday in January and July in every year, publish the half yearly dividend to be made of the said clear profits among the stockholders, and of the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

Accounts how kept and dividends how and when to be declared and paid.

XVIII. *And be it further enacted,* That the said president and directors shall, within six months after the said road is completed, lodge in the comptroller's office of this state an account of the expense thereof ; and the corporation shall annually exhibit to the comptroller a true account or dividend arising from said toll, with the annual disbursements on said road.

Directors to account with the comptroller.

XIX. *And be it further enacted,* That the legislature may dissolve the said corporation when the income arising from said toll shall have fully compensated the said corporation for all monies they may have expended in purchasing, making, repairing and taking care of said road, together with an interest thereon at the rate of fourteen per centum per annum ; and thereupon the right, interest and property of said road shall be vested in the people of this state, and be and remain at their disposal ; *Provided,* That if the said corporation shall not proceed to build and finish the bridge aforesaid in two years after the passing of this act, or shall not within five years after the completion of the bridge aforesaid compleat the road aforesaid, according to the true intent and meaning of this act, then and in either of those cases, this act shall cease, be void and of no effect.

Corporation when to be dissolved.

XX. *And be it further enacted,* That the act, entitled *An act to establish a turnpike corporation for improving the*

Former act repealed.

state-road from the house of John Weaver in Watervliet to Cherry-Valley, passed the fourth day of April, one thousand seven hundred and ninety-eight, be and the same is hereby repealed.

C H A P. L I X .

An ACT to establish a Turnpike Corporation for improving the Road from the City of Hudson to the Line of Massachusetts, on the Route to Hartford.

Passed 29th March, 1799.

Persons here-
in named and
such others as
may associate
with them
made a body
corporate.

Style of the
corporation.

Their privi-
leges,

And restric-
tions.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That Thomas Jenkins, Nathaniel Green, Cotton Gelston, David Lawrence, Alexander Coffin, Daniel Penfield, Reuben Folger, Elisha Jenkins, Rufus Bachus, Elisha Pitkin, Benjamin Haxstun, Robert Jenkins, Marshal Jenkins, James Mooklar, Robert Folger, Benjamin Allen, Thomas Frothingham, Samuel Edmunds, John Hathaway and James Hyatt, and all such persons as shall associate for the purpose of making a good and sufficient road from the city of Hudson to the line of the state of Massachusetts ; running from the said city-hall in the most convenient and direct route to the court-house in the town of Claverack, by the house of Samuel B. Webb ; thence the most convenient and direct route to the house of Abraham I. Vosburgh, by the house of Stephen Miller ; thence the most convenient and direct route to the house of John Hagerman, and thence the most direct and convenient route to the line of the state of Massachusetts, by the house of Ambrose Latt- ing, continuing in the present road as far as circumstances will admit, shall be and hereby are created and made a body politic and corporate, in fact and in name, by the name of The president, directors and company of the Columbia turnpike road, and that by that name they shall be capable in law to purchase, have, hold, enjoy and retain to them and their respective successors, lands, tenements, hereditaments, goods, chattels and effects of every kind whatsoever, and the same or any part thereof to sell, grant, demise, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in courts of record or any other place whatsoever ; *Provided however*, That the amount of the real estate which the said corporation are hereby authorized to purchase and hold shall not exceed two thousand dollars ; *And provided further*, That such estate so to be purchased and held shall be necessary to fulfil the end and intent of the corporation hereby created and made, and to no other use, intent or purpose whatsoever.

II. *And be it further enacted,* That Elisha Jenkins, Rufus Bachus and Elisha Pitkin be, and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say, they shall on or before the first day of May next, procure two books, and in each of them enter as follows: We whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay to the president, directors and company of the Columbia turnpike road, the sum of twenty-five dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportion, and at such time and place as shall be determined by the said president, directors and company; and every subscriber shall at the time of subscribing, pay unto either of the said commissioners the sum of ten dollars for each share so subscribed; and the said commissioners shall, as soon as four hundred shares have been subscribed, cause an advertisement to be inserted in the public newspapers printed in Hudson, giving at least twenty days notice of the time and place the said subscribers shall meet for the purpose of choosing thirteen directors, who shall be stockholders, for the purpose of managing the concerns of the said company for one year, and the day of choosing the said directors shall thereafter be the anniversary day of choosing directors, and the said directors, elected by a plurality of the votes of the stockholders present, shall immediately proceed to the choice of one of their number for president; and the said president and directors shall and may meet, from time to time, at such time and place as they may by their bye-laws direct, and shall have power to make such bye-laws, rules, orders and regulations, not inconsistent with the constitution or laws of this state or of the United States, as shall be necessary for the well ordering the affairs of the said corporation.

Commissioners appointed to perform certain duties

13 directors to be chosen.

Who are to choose a president.

And make bye-laws.

III. *And be it further enacted,* That the said president and directors may continue to receive subscriptions to the stock of the said corporation until there shall be one thousand shares subscribed; that they shall have power to appoint such officers, agents, clerks, artists, workmen and others under them as shall be necessary for executing the business of the said corporation.

Stock limited to 1000 shares

V. *And be it further enacted,* That it shall and may be lawful to and for the president, directors and company of the said corporation, and their superintendents, artists, workmen and labourers, with carts, waggon and other carriages, with their beasts of draft and burthen, and all necessary tools and implements to enter upon the lands contiguous or near to the said road, first giving notice of such intention to the owners or occupants thereof and doing as little damage thereto as possible, and repairing any breaches they may make in the inclosures thereof, and

Authorities and privileges of the said corporation.

making amends for any damages that may be sustained by the owners or occupants of such ground or improvements by appraisement in manner herein after directed, and upon a reasonable agreement of the owners or occupants if they can agree, or if they cannot agree, then upon an appraisement to be made upon the oath of three, or if they disagree, any two indifferent freeholders to be mutually chosen, or if the owners or occupants neglect or refuse to join in the choice, to be appointed by any justice of the peace of the county, and on tender of the appraised value, to take any timber, stone, gravel, sand or earth, being most conveniently situated for making or repairing the said road and turnpikes, and to use the same in carrying on the said work.

Read how to
be laid out
and made.

VI. *And be it further enacted*, That the said president, directors and company, shall cause a road to be laid out at least fifty feet wide, twenty feet of which shall be bedded with wood, stone, gravel or any other hard substance well compacted together, a sufficient depth to secure a good and solid foundation to the same, and the said road shall be faced with gravel or stone pounded, or other small hard substance, in such manner as to secure a firm, and as near as the materials will admit, an even surface, rising towards the middle by a gradual arch, and they shall during the continuance of this act maintain and keep the same in good and perfect order.

Turnpike
gates how to
be erected.

VII. *And be it further enacted*, That as soon as the said president, directors and company shall have perfected the said road for any distance from either end of said road, not less than ten miles, and so from time to time any other like distance progressively, they shall give notice thereof to the governor of this state, who shall thereupon forthwith nominate and appoint three skilful and judicious persons to view the same, and report to him in writing whether the said road is so far executed in a masterly and workmanlike manner according to the true intent and meaning of this act; and if their report be in the affirmative, then it shall be lawful for the governor, by licence under his hand and the privy seal of this state, to permit and suffer the said president, directors and company to erect and fix such and so many gates and turnpikes upon and across the said road as will be necessary and sufficient to collect the tolls and duties herein after granted to the said corporation, from all persons travelling the same; *Provided always*, That such gates or turnpikes shall be erected at a distance not less than ten miles from each other.

Proviso.

Persons evad-
ing the toll
how to be
dealt with.

X. *And be it further enacted*, That if any person who shall use the said road, shall with a view to evade the payment of the tolls, required by this act, leave the said road, and go round the said gates, every such person shall for each such offence, forfeit and pay to and for the use of the

president, directors and company aforesaid, the sum of ten dollars, to be sued for in their names before any justice of the peace by action of debt, to be recovered with costs of suit.

XI. *And be it further enacted,* That if any of the toll-gatherers shall unreasonably delay or hinder any passenger or traveller at any of the gates, or shall demand or require more toll than is by this act established, he shall for each and every offence, forfeit and pay the sum of two dollars, to be recovered in manner and form aforesaid, with costs of suit, in the name and for the benefit of the party delayed, hindered or defrauded, besides all special damage accruing to the person so stopped or delayed.

Toll-gatherers for misconduct how dealt with.

XII. *And be it further enacted,* That the said corporation shall cause posts to be erected at the intersection of every public road or highway falling into and leading out of the said turnpike road, with boards and an index hand pointing to the direction of such road, on both sides whereof shall be inscribed in legible characters the name of the principal place to which such road leads, and the distance thereof in computed miles ; and the said corporation shall also cause mile-stones to be placed on one side of the said road in its whole extent, whereon shall be marked in legible characters the respective number of miles from the place of commencing the said road, and also shall cause to be affixed up in a conspicuous place at each gate or turnpike a printed list of the rates of toll.

Guide-posts and mile-stones to be erected.

XIII. *And be it further enacted,* That the said corporation shall cause to be kept a fair and just account of all monies received for toll on the said road, and shall make and declare a dividend of the clear profits and income (all contingent charges being first deducted) amongst all the stockholders of the stock of the said corporation, and shall on the second Tuesday in January and July in every year, publish the half yearly dividend to be made of the said clear profits, and the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

Accounts how kept and dividends how and when to be declared and paid.

XIV. *And be it further enacted,* That the said corporation shall within six months after the said road is completed, lodge in the office of the comptroller an exact account of the expenses thereof ; and the said corporation shall annually exhibit to the comptroller a true account of the dividends made and arising from the said toll, with the annual disbursements on said road.

Corporation to account with the comptroller.

XV. *And be it further enacted,* That the comptroller shall, and he is hereby required to report to the legislature, whenever it shall appear from the accounts so to be exhibited to him, that the income arising from the said toll shall have fully compensated the said corporation for all monies they may have expended in purchases, making,

Certain duties of the comptroller.

repairing, taking care of the said road, and for all other expenditures thereon, together with an interest of fourteen per cent by the year, and thereupon the said corporation shall be dissolved, and the interest and property of the said road shall be vested in the people of this state ; *Provided*, That if the said corporation shall not proceed to commence work on the said road within two years after passing this act, or shall not in five years thereafter complete the said road according to the intent and meaning of this act, then and in either of these cases, this act shall cease, be void and of no effect.

[Part of the 2d and 7th sections and the whole of 4th, 8th and 9th sections repealed or altered, see next act. E.]

TWENTY-THIRD SESSION. CHAP. LXIX.

An ACT to amend an Act, entitled "An Act to establish a Turnpike Corporation for improving the Road from the City of Hudson to the Line of Massachusetts, on the Route to Hartford."

Passed 28th March, 1800.

Preamble.

WHEREAS the president and directors of the Columbia turnpike company, have by their petition represented to the legislature that several defects exist in the act incorporating said company, and have prayed a modification thereof : Therefore,

Route of said road.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the road mentioned and described in the said act shall commence near the dwelling house of Ezekiel Gilbert, esquire, in the city of Hudson, at a point to be determined by the president and directors aforesaid, and shall run thence to the Massachusetts line by such route as they shall direct, by the houses of Jacob Rutsen Van Rensselaer, Stephen Miller, Peter Mesick and James Bedell, in the town of Claverack, John Hagerman, and the heirs of Ambrose Latting deceased, in the town of Hillsdale.

Powers and privileges of the corporation.

II. *And be it further enacted*, That the said corporation, by the president and directors, or by any agents, superintendents, artists or other persons employed by them may enter into any land where they may deem it proper to construct said road, and to lay out, survey and labour on such routes or tracts as shall be most eligible for a good and sufficient road between the places aforesaid, and contract with the owner or owners for the purchase of so much thereof as may be necessary for making said road, and erecting and establishing gates, toll-houses and all other works to the said road belonging ; and in case of disagreement between the said parties respecting the damages to be done to said land, or if the owner or owners shall be

And if any person, insane, under age or out of the county, then it shall and may be lawful for the said president and directors to apply to one of the judges or assistant justices of the court of common pleas in and for said county of Columbia, not interested in said road, who is hereby authorized and required to nominate, and by an instrument in writing signed by him, to appoint three commissioners, being freeholders of the county, and who shall not be inhabitants of any of the towns through which said road shall pass; and it shall be the duty of the said president and directors to cause a copy of such appointment to be served on each of said commissioners, who shall thereupon name a day for meeting on the said lands, and performing the duties required of them by this act, and also to give notice to the owner or owners of such lands of the said appointment and the day, being at least four days from the time of giving such notice, when and where the commissioners will meet for the purpose of examining the lands and assessing the damages (except in case the owner or owners shall be absent under any of the disabilities aforesaid, or be out of the county, in either of which cases a copy of such notice may be left at the dwelling house of the party, if any, or other notorious place on the land through which said road shall pass;) And further, each of said commissioners shall before he proceeds to exercise the trust reposed in him by this act, take and subscribe an oath before one of the justices of the peace in and for said county, that he will without favour or partiality, estimate and assess the damages which may be sustained by the owner or owners of any lands or improvements which the said corporation may deem necessary for the said road; and the commissioners shall then proceed to view the premises, and having determined the damages shall make an inquisition under their hands and seals, or the hands and seals of any two of them, stating the amount of damages, if any, which each or any of the owner or owners of any parcel of land used, or to be used for said road have sustained or shall sustain, which inquisition shall be acknowledged by the commissioners signing the same before one of the judges aforesaid, and filed, together with the oath aforesaid, in the office of the clerk of the county of Columbia, who shall at the expense, costs and charges of the president and directors aforesaid, enter the same of record in the book kept by him for recording deeds, and the said corporation paying to the several owners of said lands the several sums awarded in the inquisition, shall have and hold to them, their successors and assigns for ever, the lands and tenements described therein; and the president and directors aforesaid shall pay to the judge who made the appointment of said commissioners, two dollars for his services, and to each of the said commissioners for every day

Commissioners to take an oath.

necessarily attending the duties required of them by this act, two dollars and fifty cents.

Certain gates
to be estab-
lished.

Rates of toll.

III. *And be it further enacted*, That the most westerly turnpike or gate on said road shall be erected near the dwelling house of John Van Hoesen, in the city of Hudson; one other gate near the dwelling house of James Bedell, in the town of Claverack, and the most eastwardly gate at such place near the Massachusetts line aforesaid as the president and directors aforesaid shall direct, and that the following rates of toll, and no more, shall be taken at the several gates or turnpikes, viz. For a score of cattle, and in that proportion for a greater or less number, passing through said west gate nine cents, the middle and eastern gates eighteen cents each; for a score of hogs or sheep, and in that proportion for a greater or less number at the said west gate four cents, the middle and east gates five cents each; for a horse and rider, a led or driven horse or mule at said west gate two cents, the middle and east gates four cents each; for a sulkey, chair or chaise and one horse, and for each additional horse two cents, at said west gate five cents, the middle and east gates ten cents each; for a coach, coachee, chariot, phaeton or other four wheel pleasure carriage, at said west gate ten cents, the middle and east gates eighteen cents each; for every stage-coach or waggon at said west gate eight cents, the middle and eastern gates sixteen cents each; for every waggon or cart drawn by two horses or two oxen, and one cent for every additional horse or ox, at said west gate five cents, the middle and eastern gates ten cents each; for every sleigh or sled drawn by two horses or oxen, and one cent for every additional horse or ox, at said west gate two cents, the middle and eastern gates four cents each; for every other carriage at said west gate two cents, the middle and east gates four cents each.

What carriages
to pass
free.

IV. *And be it further enacted*, That all carriages, the rim of whose wheels shall be twelve inches in width, shall and may pass on said road and through all or any of the gates or turnpikes free of toll.

Regulation
of travellers
passing each
other.

V. *And be it further enacted*, That whenever any persons travelling in carriages or sleighs of any kind meet on said road, the person whose duty it shall be by law to turn out of the road, shall pass to the right of the centre of the road, and in default thereof shall be subject to the penalty established by law for refusing to turn out of the road.

Apportion-
ment of votes.

VI. *And be it further enacted*, That each stockholder shall be entitled to one vote for each share of stock held by him not exceeding fifteen shares, and to one vote for three shares beyond that number.

A certain
road declared
a part of the
road establish-

VII. *And be it further enacted*, That a road commencing on the west bank of Hudson's river, opposite to the city of Hudson, and running thence westerly by the nearest

and most convenient route to the town of Freehold, by the house of Stephen Platt, shall be deemed and considered part and parcel of the road erected and established by said recited act ; and it shall and may be lawful for the president and directors aforesaid, at any time within two years after the passing of this act, if they shall deem it necessary, to open books of subscription in the manner prescribed by said act, and shall continue them open till a number of shares not exceeding one hundred and fifty, shall be subscribed, for the purpose of making and completing the road aforesaid, as directed in and by said act.

ed in the act
recited.

VIII. *And be it further enacted*, That whenever said road, or any part thereof, not less than five miles, shall be completed, and permission given as by said act directed, it shall and may be lawful for the president and directors to erect one turnpike or gate, not less than five miles from the river aforesaid, to appoint a toll-gatherer, and to have and receive the like toll as is herein before directed to be paid at the west gate aforesaid, and in like manner to erect and establish another turnpike or gate near the dwelling house of said Stephen Platt, and to receive and have the like toll as is directed to be paid at either of the other gates aforesaid ; and in case the road last aforesaid shall not be completed within six years from the passing of this act, the same, so far as it respects the said last mentioned road, shall be void and cease.

A gate to be
erected as
soon as five
miles of said
road is com-
pleted.

IX. *And be it further enacted*, That so much of the first section of the act hereby intended to be amended as directs the place of beginning of said turnpike road, and the route thence to the Massachusetts line, the provision in the second and seventh sections, and the eighth and ninth sections of said act be and the same are hereby repealed.

Part of the
act hereby
amended re-
pealed.

TWENTY-SECOND SESSION. CHAP. LXXIII.

An ACT to establish a Turnpike Corporation for improving the Road from the Springs in Lebanon to the City of Albany ; and a like Corporation for improving the Road from the Village of Bath to the Massachusetts Line ; and for repealing the Act therein mentioned.

Passed 1st April, 1799.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That John Tryon, Eleazer Grant, John W. Schermerhorn, Jonathan Hoag, Elisha Gilbert, James M'Kown, Nathan Hand, Moses King, John Darling, Jacob C. Schermerhorn, Nathaniel Brockaway, and all such persons as shall associate for the purpose of making a good and sufficient road from the line of the state of Massachusetts where the road from Pittsfield and Hancock leads by or near the Springs in

Rensselaer
and Columbia
turnpike com-
pany estab-
lished.

Style of the corporation.

Their corporate rights.

Proviso.

Commissioners appointed and their duty.

Sum paid by each subscriber.

13 directors to be chosen.

Canaan, commonly called New-Lebanon Springs, in the nearest and most direct route, as far as circumstances will admit, by the house of Elisha Gilbert, John W. Schermerhorn, Jonathan Hoag and James M'Kown, to the ferry near the house of John I. Van Rensselaer, shall be and hereby are created and made a corporation and body politic, in fact and in name, by the name of "The president, directors and company of the Rensselaer and Columbia turnpike road;" and that by that name they shall be capable in law to purchase, have, hold, enjoy and retain to them and their respective successors, lands, tenements, hereditaments, goods, chattels and effects of every kind whatsoever; and the same or any part thereof to sell, grant, demise, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in courts of record or any other place whatsoever; *Provided however*, That the amount of the real estate which the said corporation are hereby authorized to purchase and hold, shall not exceed two thousand dollars; *And provided further*, that such estate so to be purchased and held shall be necessary to fulfil the end and intent of the corporation hereby created and made, and to no other use, intent or purpose whatsoever.

II. *And be it further enacted*, That John Tryon, Elisha Gilbert, John W. Schermerhorn, Jonathan Hoag and James M'Kown, be and they are hereby appointed commissioners, to do and perform the several duties herein-after mentioned, that is to say: They shall on or before the first day of May next procure five books, and in each of them enter as follows; "We whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay the president, directors and company of the Rensselaer and Columbia turnpike road, the sum of twenty dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportion and at such time and place as shall be determined by the said president, directors and company;" one of which books shall be left with each of the said commissioners at their respective places of abode, who shall keep the same open for the purpose of receiving subscriptions; and every subscriber shall at the time of subscribing pay unto either of the said commissioners the sum of three dollars for each share so subscribed; and the said commissioners shall as soon as six hundred shares have been subscribed, cause an advertisement to be inserted in one of the public newspapers printed in the city of Albany, giving at least fifteen days notice of the time and place the said subscribers shall meet for the purpose of choosing thirteen directors, who shall be stockholders, for the purpose of managing the concerns of the said company for one year; and the day of choosing the said directors shall

for ever hereafter be the anniversary day for choosing directors ; and any seven of the said directors shall be a quorum, and capable of transacting the business of said corporation ; and every act of a majority of the said directors so met, shall be binding on the said corporation ; and the said directors, elected by a plurality of the votes of the stockholders present, shall immediately proceed to the choice of one of their number for president, and the said president and directors may meet from time to time, at such time and place as they may find expedient and direct, and shall have power to make such bye-laws, rules, orders and regulations, not inconsistent with the constitution or laws of this state, or of the United States, as shall be necessary for the well ordering the affairs of the said corporation.

Who are to choose a president,

And make bye-laws.

III. *And be it further enacted,* That the said president and directors may continue to receive subscriptions to the stock of the said corporation until there shall be one thousand four hundred shares subscribed, and shall have power to appoint such agents, clerks, workmen and others under them as shall be necessary for executing the business of the said corporation.

Stock limited to 1400 shares.

IV. *And be it further enacted,* That the said corporation by the president and directors, or by any agent, superintendent, artist or other person employed in their service, may enter into any land where they shall deem it proper to construct the said road, and to lay out and survey such routes or tracts as shall be most practicable for effecting a good and sufficient road between the places aforesaid ; and the said president and directors may contract with the owners of the said land for the purchase of so much thereof as shall be necessary for the purpose of making the said road, and for erecting and establishing gates, toll-houses, and all other works to the said road belonging, and with their carriages, beasts, tools and implements to enter in and upon any land contiguous to the said road, and to carry away any timber, stones, gravel, sand or other earth being more conveniently situated for making or repairing said road, and to use the same for carrying on said work, the said president and directors paying the owner or owners of the land so to be laid out as part of the road the value of the land or of the materials aforesaid, as the case may be, together with such reasonable sum for damages as may be agreed on ; and in case of disagreement between the parties as to the said value or damages, the same shall be determined by an appraisement to be made on oath of three, or if they disagree, of two indifferent freeholders, to be mutually chosen ; or if the owners of the said land or materials refuse or neglect to join in the choice, to be appointed by any justice of the peace of the county in which the lands or

Certain powers and privileges of the said corporation.

property shall be ; *Provided*, The said justice shall not be interested in the said dispute.

Road how to
be laid out,
&c.

V. *And be it further enacted*, That the said president, directors and company shall cause a road to be laid out, at least four rods wide, twenty-four feet of which shall be bedded with wood, stone, gravel, or any other hard substance compacted together a sufficient depth to secure a solid foundation to the same ; and the said road shall be faced with gravel or other hard substance in such manner as to secure as near as the materials will admit, an even surface rising towards the middle by a gradual arch ; and they shall, during the continuance of this act, maintain and keep the same in good order from New-Lebanon Springs to the said ferry.

Gates and
turnpikes
how to be
erected.

VI. *And be it further enacted*, That as soon as the said president, directors and company shall have completed the said road ten miles from the Massachusetts line near Lebanon Springs, then it shall be lawful for the president, directors and company to give notice to the governor of this state, who shall thereupon forthwith nominate and appoint two or three judicious persons to view the same, and report to him in writing whether the said road is so far executed in a workmanlike manner, according to the true intent and meaning of this act ; and if the report is in the affirmative then it shall be lawful for the governor, and it is hereby made his duty, by licence under his hand, and the privy seal of this state, to permit the said president, directors and company to erect one gate and turnpike across said road ; and in like manner when five miles is completed east from the said ferry and ascertained as aforesaid, that then it shall be lawful for the president, directors and company to erect one other gate and turnpike across the said road and receive the toll or tolls at the rates herein after mentioned ; and when the whole road shall be completed according to the true intent and meaning of this act, and after obtaining licence from the governor as aforesaid, it shall be lawful for the president, directors and company to erect one other gate and turnpike across the said road at such place as they shall think proper ; *Provided nevertheless*, That there shall not be more than three gates in the whole distance of the road above mentioned.

Proviso.

Mile-stones
and guide-
posts to be
erected.

VIII. *And be it further enacted*, That the said corporation shall cause mile-stones to be erected or placed, one for each and every mile of the said road on which they shall be permitted to place gates or turnpikes, and on each stone placed as aforesaid shall be fairly and legibly marked the distance the said stone is from the city of Albany ; and shall also erect guide-posts at the intersection of all roads leading into and from the said turnpike, and to which posts boards shall be attached, on which shall be inscribed the

name of the town in which the post stands, and the name of the town or towns to which the road leads in the direction to which the hand-board points ; and the said corporation shall also cause to be affixed to each gate or turnpike a printed list of the rates of toll which may be lawfully demanded.

Rates of toll
to be affixed
to each gate.

IX. *And be it further enacted,* That if any person or persons shall break or throw down, or deface any of the mile-stones, guide-posts or boards so erected for information of the good people of this state, or shall cut, break down or destroy any of the gates or turnpikes which shall be erected in pursuance of this act, or shall forcibly pass the same without having paid the legal toll at such gate or turnpike, such person or persons shall forfeit and pay a fine not exceeding ten dollars, nor less than one dollar, to be recovered by the treasurer of the corporation to their use, in an action of trespass ; and if any person shall, with his team, carriage or horse, turn out of said road to pass the said gates on ground adjacent thereto, and again enter on the said road with intent to avoid the toll due by virtue of this act, such person shall forfeit and pay three times as much as the legal toll would have been for any such person in passing through said gate, to be recovered by the treasurer of the said corporation, for the use thereof, in an action of debt.

Penalty for
defacing the
mile-stones,
&c.

X. *And be it further enacted,* That if any toll-gatherer shall unreasonably delay or hinder any traveller or passenger at any of the gates, or shall demand or receive more toll than is by this act established, he shall for every such offence forfeit and pay the sum of two dollars, to be prosecuted for and recovered before any justice of the peace in the county where such offence shall be committed, for the sole use of the person so unreasonably hindered or attempted to be defrauded.

Penalty on
toll-gatherers
for neglect of
duty.

XI. *And be it further enacted,* That the shares in the said turnpike road shall be taken, deemed and considered to be personal estate, and shall and may be transferable, and the transfers of the said shares shall be made and entered on the books of the said president, directors and company.

Shares deemed
personal
property.

XII. *And be it further enacted,* That the president and directors of the said corporation shall keep a just and fair account of all monies received by the several collectors of toll on said road, and shall make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted) amongst all the stockholders of the said corporation, and shall on the second Tuesday in January and July in every year, publish the half yearly dividend to be made of the said clear profits among the stockholders, and of the times and places when and where the same will be paid, and shall cause the same to be paid accordingly.

Accounts how
kept and dividends how
and when to
be declared
and paid.

Directors to
account with
the comptrol-
ler.

XIII. *And be it further enacted,* That the said president and directors shall within six months after said road is completed, lodge in the comptroller's office of this state, an account of the expense thereof, and the corporation shall annually exhibit to the comptroller a true account or dividend of all the income arising from said toll, with the annual disbursements on said road.

Corporation
when to be
dissolved.

XIV. *And be it further enacted,* That the legislature may dissolve the said corporation, when the income arising from said toll shall have fully compensated the said corporation for all monies they may have expended in purchasing, making, repairing and taking care of said road, together with an interest thereon of fourteen per centum per annum; and thereupon the right, interest and property of said road shall be vested in the people of this state, and be and remain at their disposal; *Provided,* That if the said corporation shall not commence their operations on the said road within two years after passing of this act, or shall not within five years afterwards complete the said road, according to the true intent and meaning of this act, then and in either of these cases, this act shall cease, be void and of no effect.

Former act
repealed.

XV. *And be it further enacted,* That the act, entitled *An act to establish a turnpike corporation for improving the road from the springs in Lebanon to the city of Albany,* passed the fifth day of April, one thousand seven hundred and ninety-eight, shall be and the same is hereby repealed.

Persons here-
in named and
those who
shall associate
with them
made a body
corporate.

XVI. *And be it further enacted,* That Abraham Schuyler, Thomas Hun, Teunis T. Van Vechten, Barent Bleecker, John C. Cuyler, David Fonda, Barent G. Staats, John Maley, Garret W. Van Schaick, John E. Van Alen, Daniel Gray and James Main, and all such persons as shall associate for the purpose of making a good and sufficient road from the village of Bath, in the county of Rensselaer, in the nearest and most direct route to the house of James Main in Petersborough in said county, and from thence to the line of the state of Massachusetts, where the road from Williamstown to the city of Albany crosses the said line, shall be and hereby are created a body corporate and politic, in fact and in name, by the style of "The president, directors and company of the eastern turnpike road," and by that name they shall be capable in law to purchase, have, hold and enjoy to them and their respective successors, lands, tenements, hereditaments, goods, chattels and effects of every kind whatsoever; and the same or any part thereof, to sell, grant, demise, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any court of record; *Provided however,* That the amount of the real estate which the said corporation are hereby authorized to purchase and hold shall not exceed one thousand dollars; *And*

Style of the
corporation.

Their privi-
leges.

And restric-
tions.

provided further, That such estate so to be purchased and held, shall be necessary to fulfil the end and intent of the corporation hereby created, and for no other use, intent or purpose whatsoever.

XVII. *And be it further enacted*, That David Fonda, John C. Cuyler and Sanders Lansing, be and they are hereby appointed commissioners, to perform the several duties hereinafter mentioned, that is to say : They shall on or before the first day of June next, procure books and enter therein as follows : " We whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay the president, directors and company of the eastern turnpike road, the sum of twenty-five dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportion and at such time and place as shall be determined on by the president, directors and company ;" and the said commissioners shall as soon as four hundred shares shall have been subscribed, cause an advertisement to be inserted in the paper printed by the printer to the state, giving twenty days notice of the time and place the said subscribers shall meet for the purpose of choosing thirteen directors, who shall be stockholders, for the purpose of managing the concerns of the said company for one year, and the day of choosing the said directors shall for ever hereafter be the anniversary day for choosing directors ; and the said directors, elected by plurality of the votes of the stockholders present, shall immediately proceed to the choice of one of their number for a president ; and the said president and directors shall and may meet, from time to time, at such time and place as they may find expedient and direct, and shall have power to make such bye-laws, rules, orders and regulations (not inconsistent with the constitution and laws of this state and of the United States) as shall be necessary for the well ordering the affairs of the said corporation.

Commissioners appointed to perform certain duties

Thirteen directors to be chosen,

Who are to choose a president, and make bye-laws.

XVIII. *And be it further enacted*, That the corporation hereby created shall have the same rights, privileges, powers and immunities as by this act are given to the president, directors and company of the said Rensselaer and Columbia turnpike corporation, and be subject to the like conditions, restrictions and regulations as the said corporation are by the said act made subject to.

Powers and privileges of said corporation.

XIX. *And be it further enacted*, That the road so to be made as aforesaid, shall be made and completed in the same way and manner as is by this act prescribed to the said Rensselaer and Columbia turnpike corporation for making their said road, and the said eastern turnpike corporation shall be entitled to receive the like rate of tolls as the said Rensselaer and Columbia turnpike corporation are by this act entitled to receive.

Road how to be completed.

[Proviso to the 2d sect. and the 7th sect. repealed, see next act. R.]

TWENTY-THIRD SESSION. CHAP. LXXXII.

An ACT to amend an Act, entitled "An Act to establish a Turnpike Corporation for improving the Road from the Springs in Lebanon to the City of Albany, and a like Corporation for improving the Road from the Village of Bath to the Massachusetts Line, and for repealing the Act therein mentioned."

Passed 4th April, 1800.

Votes how apportioned.

II. **A**ND be it further enacted, That each stockholder shall in voting for directors of said company be entitled to one vote for each share held by him to the number of fifty, and to one vote for every three shares which he shall hold over and above said number of fifty.

Certain privileges extended to the corporation herein mentioned.

III. *And be it further enacted,* That the provisions contained in the above enacting clauses be and the same are hereby extended to the corporation established for making a good and sufficient road from the village of Bath in the county of Rensselaer, in the nearest and most direct route to the house of James Main, in Petersburg, in said county, and from thence to the line of Massachusetts, where the road from Williamstown to the city of Albany crosses the said line; and that the times specified in said act for commencing and finishing said several roads shall be deemed as commencing only from the day of passing this act.

Proviso and section of an act repealed.

IV. *And be it further enacted,* That the proviso annexed to the second section of the act aforesaid, and the seventh section be, and the same are hereby repealed.

Persons may compound for toll in certain cases.

V. *And be it further enacted,* That it shall and may be lawful for any person residing within four miles of any of the gates to be erected upon either of the said roads to compound by the year with the president and directors of the companies respectively improving the same, for the privilege of passing through the same gates; and in case any such person shall not be able to agree with the president and directors of such company upon the rate of composition, the same shall be determined in the manner provided by the said recited act for ascertaining the value of any land that may be included in any such road, except that instead of a justice of the peace, a judge of the common pleas shall appoint the appraisers or arbitrators in any such case.

[First sect. repealed, see next act.]

TWENTY-FOURTH SESSION. CHAP. XCVII.

An ACT further to amend an Act to establish a Turnpike Corporation for improving the Road from the Springs in Lebanon to the City of Albany.

Passed 31st March, 1801.

WHEREAS the president and directors of the Rensselaer and Columbia turnpike road have represented by their petition that great difficulties occur in proportioning the toll between the several gates contemplated to be erected across the said road, and have solicited the interposition of the legislature to remedy the same: Therefore,

Preamble.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That as soon as the said corporation shall have completed five miles of the road from the west end thereof, and obtained a permit from the governor in the manner required by the act incorporating said company to erect a gate and turnpike across said road, it shall and may be lawful for the said president, directors and company to erect one gate and turnpike across the said road, and to appoint a toll-gatherer or toll-gatherers to collect and receive of and from all and every person and persons using the said road the tolls and rates herein after mentioned, and no more; and as soon as the said corporation shall have completed ten miles from the east end of said road, and obtained a permit in the manner aforesaid, it shall be lawful for the said president, directors and company to erect a turnpike and gate across the said road, and to appoint a toll-gatherer and toll-gatherers to collect and receive of and from all and every person or persons using the said road the tolls and rates herein after mentioned, and no more; and as soon as the corporation shall have completed the intermediate residue of said road, and obtained a permit in the manner aforesaid, it shall and may be lawful for the said president, directors and company, to erect another turnpike and gate across the said road, and to appoint a toll-gatherer or toll-gatherers to collect and receive of and from all and every person or persons using the said road the tolls and rates herein after mentioned, and no more; that is to say: For every score of hogs or sheep, and in that proportion for a greater or less number, passing through said west gate four cents, the middle and eastern gates eight cents each; for every score of cattle, mules or horses, and in that proportion for a greater or less number at said west gate ten cents, and the middle and eastern gates twenty cents each; for every horse and rider, or led horse, at said west gate two and an half cents, at the middle and eastern gates five cents each; for every sulkey, chair or chaise.*

When turnpikes and gates to be erected.

Rates of tolls.

with one horse at said west gate six cents, and at said middle and eastern gate twelve and an half cents each ; for every cart drawn by one horse at said west gate three cents, and at said middle and eastern gates six cents each ; for every chariot, coach, coachee or phaeton at said west gate twelve and an half cents, at the middle and eastern gates twenty-five cents each ; for every stage-waggon or other four wheel carriage or cart drawn by two horses or oxen at said west gate six cents, and one and an half cents for every additional horse, mule or ox, and at the middle and eastern gates twelve and an half cents each ; and for every additional horse, mule or ox, three cents each ; for every sleigh or sled drawn by two horses, mules or oxen at said west gate four cents, and half a cent for every additional horse, ox or mule, and at the middle and eastern gates eight cents each, and for every additional horse, mule or ox, one cent each ; and it shall be lawful for the toll-gatherers to stop any person or persons riding, leading or driving any horse, mule, cattle, sheep, hogs, or any kind of carriages, until they shall respectively have paid the toll above specified ; *Provided always*, That the said west gate shall be erected at a distance not less than three miles from the west end of said road adjoining Hudson's river, and that the said middle gate shall be erected at a distance not less than ten miles from the said west gate.

Proviso.

First section
of the act
herein recited
repealed.

II. *And be it further enacted*, That the first section of the act, entitled *An act to amend an act, entitled An act to establish a turnpike corporation for improving the road from the Springs in Lebanon to the city of Albany, and a like corporation for improving the road from the village of Bath to the Massachusetts line, and for repealing an act therein mentioned*, passed the fourth day of April, one thousand eight hundred, be and the same is hereby repealed.

TWENTY-SECOND SESSION. CHAP. LXXIX.

An ACT to establish a Turnpike Corporation for improving the Road from the Village of Lansingburgh, through Cambridge and Salem, to the House now occupied by Hezekiah Leaving, in the Town of Granville, and also from the House of John Faulkner, junior, in Salem, to the Line of Rupert, in the State of Vermont, near the House of William Brown.

Passed 1st April, 1799.

Persons here-
in named and
such others as
may associate
with them
made a body
corporate.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That John Lovett, Cornelius Lansing, James Brookins, John Carpenter, William Hay, Edmund Wells, junior, Stephen Clapp, John

Williams, William Harkness, David Thomas, Edward Savage, David Hopkins, David Long, John C. Bishop, Timothy Leonard, Sylvester Rowley, Jacob Holmes, William Porter, Martin Van Buskirk, and all such persons as shall associate for the purpose of making a good and sufficient road from the village of Lansingburgh, in the county of Rensselaer through Cambridge and Salem, to the house now occupied by Hezekiah Leaving, in the town of Granville, and from the dwelling house of John Faulkner, junior, in the town of Salem, to the line of Rupert, in the state of Vermont, shall be and are hereby created and made a corporation and body politic in fact and in name, by the name of "The president, directors and first company of the northern turnpike road;" and the said corporation shall by that name be capable in law to purchase, have, hold, enjoy and retain to them and their successors, lands, tenements, hereditaments, goods, chattels and effects of every kind whatsoever, and the same, or any part thereof, to sell, grant, remise, alien or dispose of, to sue and be sued, to plead and be impleaded, to answer and be answered unto, defend and be defended in all courts of record, or any other place whatsoever; *Provided*, That the lands so to be purchased as aforesaid shall be such only as may be necessary to carry into effect the object, and shall not exceed the sum of two thousand dollars.

Style of the corporation.

Their privileges.

And restrictions.

II. *And be it further enacted*, That John Lovett, John Carpenter, Martin Van Buskirk, Edmond Wells, junior, John Williams, David Long and Timothy Leonard be, and they are hereby appointed commissioners to do and perform the several duties herein after mentioned, that is to say: They shall on or before the first Tuesday of June next, procure seven books, and in each of them enter as follows: "We whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay to the president, directors and first company of the northern turnpike road, the sum of forty dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportion, and at such time and place as shall be determined by the said president, directors and company;" and the said books shall be deposited with such persons, and opened at such times and places as the said commissioners may direct; and every subscriber shall at the time of subscribing pay unto either of the said commissioners five dollars for each share so subscribed; and the said commissioners shall, as soon as five hundred shares shall have been subscribed, cause an advertisement to be inserted in the public newspapers printed in the village of Lansingburgh and town of Salem, giving at least twenty days notice of the time and place the said subscribers shall meet for the purpose of choosing thirteen directors (who shall be stockholders) for the purpose of manag-

Commissioners appointed to perform certain duties

Thirteen directors to be chosen.

Who are to
choose a pre-
sident and
make bye-
laws.

Seven direc-
tors to make
a quorum.

Shares limit-
ed to 1000.

Powers and
authorities of
the said cor-
poration.

ing the concerns of the said company for one year, and the Tuesday preceding the day on which the directors shall be so chosen, shall for ever hereafter be the anniversary day for choosing directors, and the said directors elected by a plurality of votes of the stockholders present, shall immediately proceed to the choice of one of their number for president; and the said president and directors may meet from time to time, and shall have power to make such bye-laws, rules, orders and regulations as may be proper and necessary for the well ordering the affairs of the said corporation; *Provided*, That no bye-law or regulations shall give or allow more than ten votes to any one stockholder, and that each person shall be entitled to one vote for every share by him held under that number:

III. *And be it further enacted*, That not less than seven directors shall constitute a board for the transaction of business, of whom the president shall always be one, except in cases of necessary absence, in which case his place may be supplied during such absence by another director, to be chosen by a majority of the directors present.

IV. *And be it further enacted*, That the said president and directors may continue to receive subscriptions to the stock of the said corporation until one thousand shares shall have been subscribed.

V. *And be it further enacted*, That if it shall appear to the said president and directors that if by deviating from the now public road the distance between the places designated for the commencement and ending of the said road can be materially shortened, it shall be lawful for the president and directors to make such alterations as may be found necessary, and to lay the road herein contemplated to be made in and through any inclosed, improved or unimproved lands, and with their carriages, beasts, tools and implements to enter in and upon any lands contiguous to the said road, and to carry away any timber, stones, gravel, sand or other earth, being more conveniently situated for making or repairing said road, and to use the same for carrying on the said work; the said president and directors paying the owner or owners of the land so to be laid out as part of the road the value of the land or of the materials aforesaid, as the case may be, together with such reasonable sum for damages as may be agreed on; and in case of disagreement between the parties as to the said value or damages, the same shall be determined by appraisement, to be made on oath of three, or if they disagree, of two indifferent freeholders, to be mutually chosen, or (if the owners of the said land or materials refuse or neglect to join in the choice) to be appointed by any justice of the peace of the county in which the lands or property in dispute shall lie.

VI. *And be it further enacted,* That the said president, directors and company shall cause a road to be laid out at least four rods wide, twenty feet of which shall be bedded with wood, stone, gravel or any other hard substance well compacted together a sufficient depth to secure a solid foundation to the same ; and the said road shall be faced with gravel or stone pounded, or other small hard substance, in such manner as to secure a firm and as near as the materials will admit, an even surface, rising towards the middle by a gradual arch, and they shall during the continuance of this act, maintain and keep the same in good and perfect order the whole length of the said road.

Road how to be laid out and made.

VII. *And be it further enacted,* That as soon as the said president, directors and company shall erect a bridge across Hoosick-river, then and in such case it shall be lawful for the said company to erect a gate thereon and demand and receive the same toll as they are authorized to demand and receive from persons passing through the gates on the said turnpike road for ten miles of the same ; and as soon as the said president, directors and company shall erect a bridge across the creek commonly called Battenkill, it shall be lawful for said company to erect a gate thereon, and to demand and receive one half of the toll which they are authorized to receive from persons passing through any gates for ten miles of the same.

Gates at the Hoosick and Batten-kill bridges to be erected.

VIII. *And be it further enacted,* That if the said turnpike road shall pass the Hoosick-river at the bridge called Buskirk's bridge, in the town of Cambridge, in the county of Washington, the said company shall be vested with the property of the said bridge called Buskirk's bridge, in the same manner as if they had erected the same, any law to the contrary notwithstanding ; but shall receive no toll for passing the same.

A certain bridge vested in said company.

IX. *And be it further enacted,* That as soon as any part of said road, not less than ten miles in any place or part thereof, is made passable and convenient as aforesaid, notice thereof may be given to the person administering the government of this state, who shall thereupon forthwith nominate two or more persons to view the same, whose duty it shall be to report to him in writing whether that part of the said road is made and finished in a good and proper manner, according to the true intent and meaning of this act ; and if their report be in the affirmative, then it shall be lawful for the person administering the government of this state, and he is hereby required by licence under his hand and the privy seal of the state, to permit the said president, directors and company to erect and fix so many gates and turnpikes upon and across said road as will be necessary and sufficient to collect the duties and tolls herein after granted to the said corporation, from all persons travelling on the same.

Gates and turnpikes when to be erected.

Toll-gatherers to be appointed.

Rates of toll.

Mile-stones and guide-posts to be erected.

Rates of toll to be affixed to each gate.

Offences how punished.

X. And be it further enacted, That as soon as the whole or any part of the said road shall be completed, and permission to erect a gate or gates as aforesaid be granted, the president and directors may appoint toll-gatherers to collect and receive of and from all and every person or persons using the said road, the tolls and duties herein after mentioned, and no more, that is to say : Any number of miles not less than ten in length of said road, the following sums of money, and so in proportion for any greater or lesser distance, or for any greater or lesser number of sheep, hogs or cattle, to wit : For every score of sheep, five cents ; for every score of hogs, five cents ; for every score of cattle, twelve cents ; for every horse and rider or led horse, four cents ; for every sulkey, chair or chaise with one horse, twelve cents ; for every chariot, coach, coachee or phaeton, twenty-five cents ; for every stage-waggon, or other four wheeled carriage drawn by two horses or oxen, twelve cents, and two cents for every additional ox or horse ; for every cart, sleigh or sled drawn by two oxen or horses, six cents, and for every additional horse or ox, two cents ; and it shall be lawful for any of the toll-gatherers to stop any person riding, leading or driving any horses, cattle, sheep or hogs, sulkey, phaeton, chair, chaise, cart, waggon, sleigh or other carriage of burthen or pleasure, from passing through the gates or turnpikes until they shall have respectively paid the toll as above specified ; *Provided,* That nothing in this act shall be construed so as to entitle the said corporation to demand or receive toll of or from any person passing to or from public worship, or to or from his common business on his farm, or to or from any mill.

XI. And be it further enacted, That the said corporation shall cause mile-stones to be erected and placed one for each and every mile of the said road on which they shall be permitted to place gates or turnpikes ; and on each stone placed as aforesaid shall be fairly and legibly marked the distance the said stone is from Lansingburgh, and shall also erect guide-posts at the intersection of each road leading from the said turnpike road, and to which posts boards shall be attached, on which shall be inscribed the name of the town in which the post stands, and the name of the town or towns to which the road leads in the direction to which the board points ; and the said corporation shall also cause to be affixed to each gate or turnpike, a printed list of the rates of toll which may be lawfully demanded.

XII. And be it further enacted, That if any person or persons shall break or throw down or deface any of the mile-stones, guide-posts or boards so erected for information of travellers, or shall cut, break down or destroy any of

the gates or turnpikes which shall be erected in pursuance of this act, or shall forcibly pass the same without having paid the legal toll at such gate or turnpike, such person or persons shall forfeit and pay a fine not exceeding ten dollars nor less than one dollar, to be recovered by the treasurer of the corporation to their use, in an action of trespass ; and if any person shall with his team, carriage or horses turn out of said road to pass the said gates on ground adjacent thereto and again enter on said road, with intent to avoid the toll due by virtue of this act, such person shall forfeit and pay three times as much as the legal toll for any such person in passing through such gate or turnpike as aforesaid, to be recovered by the treasurer of the said corporation for the use thereof, in an action of debt.

XIII. *And be it further enacted,* That if any toll-gatherer shall unreasonably delay or hinder any traveller or passenger at any of the gates, or shall demand or receive more toll than is by this act established, he shall for every such offence forfeit and pay the sum of five dollars, to be sued for and recovered before any justice of the peace in the county where such offence shall be committed, for the sole use of the person so unreasonably delayed, hindered or defrauded.

Penalty on toll-gatherers for neglect of duty.

XIV. *And be it further enacted,* That the shares in the said turnpike road shall be taken, deemed and considered to be personal estate, and shall and may be transferable, and a certificate of such transfer shall be recorded by the clerk of the corporation in a book to be kept by him for that purpose.

Shares deemed personal estate.

XV. *And be it further enacted,* That the president and directors of the said corporation shall keep a just and fair account of all monies received by the several collectors of toll on said road, and shall make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted) amongst all the stockholders of the said corporation, and shall on the second Tuesday in January and July in every year, publish the half yearly dividend to be made of the said clear profits among the stockholders, and of the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

Accounts how kept and dividends how and when to be declared and paid.

XVI. *And be it further enacted,* That the said president and directors shall within six months after said road is completed, lodge in the comptroller's office of this state, an account of the expense thereof, and the corporation shall annually exhibit to the comptroller a true account of the dividend or income arising from said toll, with the annual disbursements on said road.

Directors to account with the comptroller.

XVII. *And be it further enacted,* That the legislature may dissolve the said corporation when the income arising

Corporation when to be dissolved.

from said toll shall have fully compensated the said corporation, for all monies they may have expended in purchasing, making, repairing and taking care of said road, together with an interest of fourteen per centum per annum, and thereupon the right, interest and property of said road shall be vested in the people of this state, and be and remain at their disposal.

TWENTY-THIRD SESSION. CHAP. LXXVIII.

An ACT to establish a Turnpike Road Company for improving the State Road from the House of John House, in the Village of Utica, in the County of Oneida, to the Village of Cayuga, in the County of Cayuga, and from thence to Canandaque, in the County of Ontario.

Passed 1st April, 1800..

Persons here-
in named
made a body
corporate.

Style of the
corporation.

Their powers

Proviso.

Commission-
ers named.

Property and
concerns to
be managed
by nine di-
rectors.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That Benjamin Walker, Charles Williamson, Jedediah Sanger and Israel Chapin, and all such persons as shall associate for the purpose of making a good and sufficient road in the form and manner herein after described, from the house of John House, in the village of Utica, to the village of Cayuga, and from thence to the court-house in Canandaque, in the county of Ontario, observing as nearly the line of the present state road as the nature of the ground will allow, shall be and are hereby made a corporation and body politic, in fact and in name, by the name of "The president and directors of the Seneca road company;" and by that name shall be capable in law to purchase, have, hold, enjoy and retain to them and their respective successors, lands, tenements and hereditaments, as also goods, chattels and effects of every kind whatsoever, not exceeding in value twelve thousand dollars; and the same or any part thereof, to sell, grant, demise, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts whatsoever; *Provided*, That the same are and shall be necessary for carrying this act into effect.

II. *And be it further enacted*, That Benjamin Walker, Charles Williamson, Jedediah Sanger and Israel Chapin be, and are hereby appointed commissioners to do and perform the several duties herein after mentioned.

III. *And be it further enacted*, That the property and concerns of the said corporation shall be managed by nine directors, who shall hold their offices from the first Tuesday in May next to the first Tuesday in May thereafter, which shall be the day of their election in every year, and shall be elected by such of the stockholders as shall attend for that purpose, either personally or by proxy, on the

first Tuesday in May in the year one thousand eight hundred and two, and in every year thereafter, at such time of the day and such place, at no more than two miles distant from said road, as the directors for the time being shall appoint ; of which time and place public notice shall be given by the said directors at least thirty days previous to the day of the election, by advertisements to be published weekly for four weeks successively in at least three of the public newspapers, one printed in New-York, one in Albany and one in the western district of this state ; and all elections for directors shall be by ballot, and the nine persons having the votes of the greatest number of shares shall be the directors ; and the directors so chosen, shall at their first meeting, proceed to elect by ballot one of their number to be their president ; and if any of the directors so to be elected shall remove out of this state, the office of such director or directors shall be considered as vacant ; and all vacancies which may happen by death, resignation or removal, shall be filled for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors for the time being, or the major part of them, shall appoint.

When and how to be elected.

Vacancies how to be filled.

IV. *And be it further enacted,* That the capital stock of said company shall consist of two thousand two hundred shares, and that a share in said stock shall be fifty dollars ; that subscriptions to the said stock shall be opened and kept open under the direction of the said commissioners and of the directors when so chosen as herein after mentioned, at such times and places as they may deem best ; and that as soon as five hundred shares shall have been subscribed, the said commissioners shall by public notice require the stockholders to meet at a time and place therein to be specified, to elect five directors, who shall be stockholders, and who, together with the said commissioners, shall be the directors, and shall manage the concerns of the company thenceforth until the first Tuesday in May in the year one thousand eight hundred and two.

Amount of capital stock and shares.

Subscriptions how to be taken.

5 directors when to be elected.

V. *And be it further enacted,* That the corporation by the president and directors, or by any agents, superintendents, artists or other persons employed by them, may enter into any land, where they may deem it necessary to deviate from the Genesee road, to make and complete said road, and to lay out, survey and labour on such routes or tracts as shall be most eligible for a good and sufficient road between the places aforesaid, and contract with the owner or owners for the purchase of so much thereof as may be necessary for making said road, and erecting and establishing gates, toll-houses and all other works to the said road belonging ; and in case of disagreement between the parties respecting damages to be done to said lands, or if the owner or owners thereof shall be *feme covert*,

Further powers of said corporation.

Damages how
assessed.

insane, under age or out of the county, then it shall be the duty of the president and directors, within six weeks, to apply to one of the judges or assistant justices of the court of common pleas in and for the county in which such damage shall have been done, not interested in said road, who is hereby required and authorized to nominate and by an instrument in writing, signed by him; to appoint three commissioners, not interested in the premises, being freeholders of the county; and it shall be the duty of said president and directors to cause a copy of such appointment to be served on each of the said commissioners, who shall thereupon name a day for meeting on said lands and performing the duties imposed on them by this act; and also to give notice to the owner or owners of said appointment and day, being at least ten days from the time of giving such notice, when and where the commissioners shall meet, for the purposes of examining the land and assessing the damages, except in case the owner or owners shall labour under any of the disabilities aforesaid, or be out of the county, in either of which cases a copy of such notice may be left at the dwelling house of the party, if any, or other notorious place on the land through which said road shall pass; *And further*, each of the said commissioners, before he shall act, shall take and subscribe an oath before one of the justices of the peace in and for said county, that he will, without favour or partiality, estimate and assess the damages which may be sustained by the owner or owners or occupants of any lands or improvements which the said corporation may deem necessary for said road or toll-houses; and the commissioners shall then proceed to view the premises, and having determined the damages, shall make an inquisition under their hands and seals, or the hands and seals of any two of them, stating the amount of damages, if any, which any owner or owners or occupants of any parcel of land used or to be used for said road hath or have sustained or shall sustain; which inquisition shall be acknowledged by the commissioners signing the same, before one of the judges of the courts aforesaid, and filed together with the oath aforesaid, in the office of the clerk of the county where such damage may be done or such inquisition taken, who shall at the expense, costs and charges of the president and directors aforesaid, enter the same of record in the book kept by him for recording deeds; and the said corporation paying to the several owners of said lands the several sums awarded in the inquisition, shall have and hold to them, their successors and assigns for ever, the lands and tenements described therein; and the president and directors aforesaid shall pay to the judge who makes the appointment of said commissioners, for his services, two dollars, and to the said commissioners for every day neces-

regularly attending the duties required of them, two dollars and fifty cents ; and it shall be lawful for every owner and occupant, if the said corporation shall refuse or neglect to pay the sum awarded by such inquisition on demand, to sue for and recover the same with interest.

VI. *And be it further enacted,* That the directors for the time being, or a major part of them, shall have power to make and prescribe such bye-laws, rules and regulations, as to them or a major part of them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation ; and touching the duties and conduct of the officers, clerks and servants employed therein ; and touching the election of directors and all such other matters as appertain to the powers hereby granted to them ; and shall also have power to appoint so many officers, clerks and servants, for carrying on the said business, and with such salaries and allowances as they or the major part of them shall deem meet ; *Provided,* That such bye-laws, rules and regulations, be not repugnant to the constitution and laws of the United States or of this state.

Directors
may make
bye-laws.

VII. *And be it further enacted,* That it shall be lawful for the said directors, or the major part of them, to call and demand from the stockholders respectively, all such sums of money by them subscribed or to be subscribed pursuant to any bye-laws, rules or regulations of the said corporation, at such time and in such proportions as they shall see fit, under pain or forfeiture of their shares, and of all previous payments thereon to the said president, directors and company.

Directors
may demand
sums of money
subscribed.

VIII. *And be it further enacted,* That the said road shall be six rods in width, and that the said president and directors shall cause the same to be cleared of all timber excepting trees of ornament, and to be improved in manner following, to wit : In the middle of the said road there shall be formed a space not less than twenty-four feet in breadth, the centre of which shall be raised fifteen inches above the sides, rising towards the middle by gradual arch, twenty feet of which shall be covered with gravel or broken stone fifteen inches deep in the centre and nine inches deep on the sides, so as to form a firm and even surface ; the said president and directors shall cause good and sufficient bridges, not less than twenty-two feet wide, to be erected on the said line of road, or any portion thereof where toll may be demanded, excepting the bridge now building over the Cayuga-lake ; which road and bridges shall be kept in good and sufficient repair ; and in case they shall not cause the said road and bridges to be kept in good and sufficient repair, it shall be the duty of the assistant attorney-general of the district in which such road or bridges so neglected lie, upon information there-

Dimensions
and plan of
said road.

Sufficient
bridges to be
erected.

Duty of the
assistant attorney
general.

of being given to him on oath, to cause an indictment to be preferred to the grand jury of the county in which such neglect shall happen, against the president, directors and company aforesaid, and to cause the same to be prosecuted to effect in like manner as bills of indictment in cases of such nature shall be prosecuted, and in any court having cognizance of the same in the said county where the neglect shall happen, (excepting the bridge aforesaid) and upon conviction the court shall proceed to pass such judgment, not exceeding a fine of twenty-five dollars for every such neglect, as to them shall seem just and proper ; *Provided always*, That in case any bridge shall be carried away, or the road or bridges otherwise injured by floods or by unavoidable accidents, or by design, that then the said president and directors shall cause the same forthwith to be repaired, and shall be allowed therefor a reasonable time, excepting the bridge aforesaid.†

Proviso.

Governor
when to per-
mit gates to
be erected.

IX. *And be it further enacted*, That as soon as any part of said road, not less than ten miles in any place thereof, is made passable and convenient as aforesaid, notice thereof may be given to the person administering the government of this state, who shall thereupon forthwith nominate two or more persons to view the same, whose duty it shall be, at the expense of the said corporation, to report to him in writing whether that part of the road requested to be viewed is made and finished according to the true intent and meaning of this act ; and if their report be in the affirmative, then it shall be lawful for the person administering the government of this state, to permit the president, directors and company to erect and fix as many gates and turnpikes upon and across said road, for the collection and receiving such tolls at the rate herein after granted to the said corporation from all persons travelling the same, with beasts of draught or burthen, or with carriages or other ways, as they shall think proper ; *Provided always*, That such gates shall not be erected at a less distance than ten miles from each other.

Proviso.

Certain pow-
ers to the di-
rectors with
a restriction.

X. *And be it further enacted*, That it shall and may be lawful for the directors of the said corporation to agree with any person or persons who may be willing to undertake to complete any part of the said road or bridges, and to take payment therefor in turnpike stock ; but no contract of this nature shall exceed twenty shares of stock for each mile so contracted for, or ten shares for any one bridge.

Toll-gather-
ers when to
be appointed.

XI. *And be it further enacted*, That as soon as the said road is perfected, or ten miles thereof in any one place, according to the true intent and meaning of this act, that it shall and may be lawful for the president and directors to appoint a sufficient number of toll-gatherers to collect

† Part of this section altered, see next act. E.

and receive of and from all and every person or persons using the said road, the tolls herein after mentioned, that is to say : At each gate for every waggon with two horses, not more than twelve and an half cents, and not more than three cents for every additional horse used in any waggon, cart or other carriage ; for every one horse cart, six cents ; for every coach, four wheeled pleasure carriage or pleasure waggon, with two horses, twenty-five cents, and for every additional horse, three cents ; for every chair or pleasure carriage with one horse, twelve and an half cents, and for every additional horse, six cents ; for every cart drawn by two oxen, eight cents, and for every additional yoke, three cents ; for every saddle or led horse, four cents ; for every sled travelling the above road from the fifteenth day of December to the fifteenth day of March in each year, one half of the tolls herein before demanded for carriages for the transportation of burthens ; for every score of cattle, six cents ; for every score of sheep or hogs, three cents, and so in proportion for any greater or less number of cattle, sheep or hogs ; *Provided* Rates of toll. *always,* That those who may use waggons or other carriages, the wheels of which shall exceed the width of nine inches, shall not pay above two thirds of the above mentioned rate of toll ; *Provided also,* That no person passing to or from public worship on Sundays, going to their common labour on their farms with their cattle or teams, or returning therefrom, carrying fire-wood, going to or returning from mill for the grinding of grain for family use, or going to or returning from funerals, shall pay any toll at any gate situated within the bounds of the town in which they are resident ; and it shall be lawful for any of the toll-gatherers to stop any person or persons driving any carriage or sled, riding or leading horses, driving horses, oxen, sheep or hogs, from passing through any of the said gates or turnpikes till they have respectively paid the tolls above mentioned ; and if any person or persons shall forcibly pass any gate or gates without having paid the legal toll, he, she or they shall forfeit the sum of ten dollars for each offence, to be recovered in the name of the company, to their use, by action of debt in any court having cognizance of the same, with costs ; and if any person with his team, horses or carriages, cattle, sheep or hogs, shall after travelling the said road, turn off to pass the said gates on ground adjacent thereto, and again enter on the said road, with intention of defrauding the said company by avoiding the payment of the toll due by virtue of this act, such person shall forfeit five dollars, to be recovered as aforesaid with costs. Provida. Further proviso. Toll-gatherers may stop persons not paying toll.

XII. *And be it further enacted,* That if any toll-gatherer shall unreasonably delay or hinder any person from passing any of the gates, and at any time in the day or night on Penalty on toll-gatherers for misconduct.

tendering the legal toll, or shall demand more than by this act established, he shall for every such offence, pay a sum not exceeding twenty-five dollars, to be recovered before any justice in the county where such offence shall be committed, for the sole use of the person so hindered, delayed or defrauded, and in his name with costs.

Stock deemed
personal prop-
erty.

XIII. *And be it further enacted,* That the stock of the said company shall be taken and deemed personal estate, and shall and may be transferable, agreeable to such by-laws, rules and regulations as may from time to time be made by the directors.

Mile-stones or
posts to be
erected.

XIV. *And be it further enacted,* That the said company shall cause mile-stones or posts to be erected and placed one for each and every mile of the said road on which they shall be permitted to place gates, and on each monument there shall be fairly marked the distance from Utica, and under that from Canandarque ; and they shall also cause to be affixed to each gate or turnpike in legible characters a list of the rates of toll which may be lawfully demanded, which rates it shall and may be lawful for them to demand and receive according to the distance between that and the next following gate.

Lifts of tolls
to be affixed
to each gate.

Penalty on
persons injur-
ing any mile-
stone, &c.

XV. *And be it further enacted,* That if any person or persons shall wilfully break or throw down or deface any of the mile-stones or posts so to be erected, he or they shall forfeit the sum of twenty-five dollars, to be recovered in the name of the president and directors, and for the use of the company, in an action of debt or otherwise, in any court having cognizance thereof, with costs ; and if any person or persons shall wilfully break or throw down any of the gates or turnpikes erected in pursuance of this act, he or they shall forfeit the sum of two hundred dollars, to be recovered as aforesaid.

In what cases
this act to
cease.

XVI. *And be it further enacted,* That if the said company shall not commence their operations on the said road within two years from the passing of this law, and complete the same within five years thereafter, according to the true intent and meaning of this act, then and in either of such cases this act shall cease.

Directors to
account with
the comptrol-
ler.

XVII. *And be it further enacted,* That the said president and directors shall within six months after the said road is completed, or any part thereof where toll is allowed to be collected, lodge in the comptroller's office of this state, an account of the expense thereof, and the corporation shall annually exhibit to the comptroller a true account of the dividend or income arising from the said toll with the annual disbursements on the said road.

Corporation
when to be
dissolved.

XVIII. *And be it further enacted,* That the legislature may dissolve the said corporation when the income arising from the said toll shall have fully compensated the said corporation for all monies they may have expended.

in purchasing, making, repairing and taking care of the said road, together with an interest of fourteen per centum per annum, and thereupon the right, interest and property of the said road shall be vested in the people of this state.

TWENTY-FOURTH SESSION. CHAP. XXXVII.

An ACT to amend the Act incorporating the Seneca Road Company.

Passed 20th March, 1801.

WHEREAS it hath been represented to this legislature that it is impracticable for the directors of the said company to comply with all the requisitions of the act, entitled *An act to establish a turnpike road company for improving the state road from the house of John House, in the village of Utica, in the county of Oneida, to the village of Cayuga, and from thence to Canandagut, in the county of Ontario*, passed the 1st of April, 1800 ; Therefore,

Preamble.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the said road, instead of being made as directed in and by the eighth section of the above recited act, shall be made in the manner following, to wit : The said road shall be six rods wide, and cleared that width of all timber, except trees of ornament, in the centre of which there shall be formed of the best materials the nature of the ground will admit, a space of twenty-eight feet in width into a gradual arch, the centre of which shall not be less than twenty inches higher than the outer edge or side thereof, and in all places where the nature of the ground shall render it necessary, at least eighteen feet of the said space shall be bedded with stone or wood so as to secure a solid foundation to the same ; and at least twenty feet in width of the whole of the said space shall be faced with the best gravel, or other hard substance, which can be procured within half a mile of the place on the said road so to be gravelled, and in such manner as to make and secure, as near as the materials will admit, a firm, even and durable surface ; *And further*, That no ascent shall be left on the said road of more than fourteen inches in every sixteen feet, and that proper water courses shall be made with durable sluices across the same where necessary, so as to carry off all water from the sides of the said road ; and the president and directors shall cause good and sufficient bridges, not less than twenty-two feet wide, to be made on the line of the said road except the bridge over the Cayuga-lake.

The 8th section of the above recited act altered.

Manner in which said road shall be made.

II. *And be it further enacted*, That the president and directors shall be and hereby are empowered to remove or cause to be removed any fences, buildings or incumbrances, dwelling houses, barns and stores excepted, which are

Directors may remove incumbrances within the limits of said road.

Proviso.

Persons injuring said road, &c. how dealt with.

President and directors may deviate from the present state road.

Proviso.

Further proviso.

Gates may be erected at a less distance than 10 miles

350 shares added to the capital stock.

4 additional directors to be chosen.

or may be erected within the limits of the said road, after having given twenty days notice to any proprietor or occupant of any such land on which such incumbrances are or may be so erected ; *Provided nevertheless*, That where the president and directors shall or may have deviated from the state road so called, damages shall be allowed as in other cases provided in and by the above recited act.

III. *And be it further enacted*, That no person or persons shall draw or transport on the said road, any timber, logs or wood for fuel, or draw thereon ploughs so as to tear or break up the facing of the said road, or otherwise injure the same ; nor shall any person or persons be permitted to break down or fill up the water-courses on the sides of the said road so as to obstruct the free passage of the water ; and where it may be necessary for the inhabitants living contiguous to the said road to cross the water-courses with their carriages or teams, they shall erect small bridges over the same in such manner as to preserve a free passage for the water, and any person or persons who shall offend in any of the said particulars, and be thereof convicted, shall forfeit and pay for every such offence, the sum of three dollars to the said president and directors, for the use of the said company, to be recovered in any court having cognizance thereof.

IV. *And be it further enacted*, That the president and directors shall, and they are hereby empowered, where they may deem it necessary for the public good, to deviate from the present state road, any thing in the above recited act to the contrary notwithstanding ; *Provided always*, That where such deviation shall be carried over the property or possession of any person through which the present state road now leads, and it shall not be necessary to continue the present road as a public highway, the value of the land included therein shall be ascertained by the same persons authorized to assess the damages occasioned by such deviation, and be set off against the said last mentioned damages ; *And provided also*, That the said president and directors shall continue said road as near to the present state road as the nature of the country will admit of.

V. *And be it further enacted*, That gates may be erected on the said road at a less distance than ten miles of each other ; *Provided*, That the toll be proportioned according to the ratio for the same distance allowed to be collected in and by the above recited act, any thing contained therein to the contrary notwithstanding.

VI. *And be it further enacted*, That three hundred and fifty shares, at the rate of fifty dollars each, shall be added to the capital stock of the said company.

VII. *And be it further enacted*, That it shall be lawful for the stockholders of the said corporation to choose, in the

manner directed by law, four additional directors, who shall be stockholders ; and it shall be lawful for the stockholders to vote at said election, in person or by proxy.

TWENTY-THIRD SESSION. CHAP. LXXIX.

An ACT to establish a Turnpike Corporation for improving and making a Road from the Town of Salisbury, in the State of Connecticut, to Wattles's Ferry, on the Susquehannah-River.

Passed 1st April, 1800.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That John Livingston, Stephen Day, Henry Livingston, Caleb Benton, George Hale, Samuel Haight, Garret Abeel, Martin G. Schuneman, Benjamin Van Orden, Sluman Wattles, Solomon Martin, John Cortright, and all such other persons as shall associate for the purpose of making a good and sufficient road from the line of the town of Salisbury, in the state of Connecticut, in the nearest and most direct route, as far as circumstances will admit by Ancram furnace in the town of Livingston, to the ferry near the storehouse of John Livingston in said town, and from the landing at Catskill to the ferry commonly called Wattles's ferry on the Susquehannah-river, shall be and hereby are created and made a corporation and body politic, in fact and in name by the name of The president, directors and company of the Susquehannah turnpike road, and by that name they shall be capable in law to purchase, have, hold, enjoy and retain to them and their respective successors, lands, tenements and hereditaments, goods, chattels and effects of every kind whatsoever, and the same or any part thereof to sell, grant, demise, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in courts of record or any other place whatsoever ; *Provided however*, That the amount of the said real estate, which the said corporation are hereby authorized to purchase and hold, shall not exceed twelve thousand dollars ; *And provided further*, That such estate as well real as personal, so to be purchased and held shall be necessary to fulfil the end and intent of the corporation hereby created and made, and to no other use, intent or purpose whatsoever.

Persons herein named and such others as may associate with them, made a body corporate.

Style of the corporation.

Their privileges.

And restrictions.

II. *And be it further enacted*, That Henry Livingston, Stephen Day, George Hale, Caleb Benton, Garret Abeel, Sluman Wattles, Samuel Haight, Martin G. Schuneman, John Cortright and Solomon Martin, be, and they are hereby appointed commissioners, to do and perform the several duties hereinafter mentioned, that is to say : They shall on or before the first day of June next procure ten

Commissioners appointed to perform certain duties

Thirteen di-
rectors to be
chosen.

Who are to
choose a pre-
sident,

And make
bye-laws.

Power of the
said president
and directors
in receiving
subscriptions,
&c.

Powers and
privileges of
the corpora-
tion.

books, and in each of them enter as follows : " We whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay the president, directors and company of the Susquehannah turnpike road, the sum of twenty dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportion, and at such time and place as shall be determined by the said president, directors and company ;" one of which books shall be left with each of the said commissioners at their respective places of abode, who shall keep the same open for the purpose of receiving subscriptions ; and every subscriber shall, at the time of subscribing, pay unto either of the said commissioners the sum of three dollars for each share so subscribed ; and the commissioners shall as soon as one thousand five hundred shares have been subscribed, cause an advertisement to be inserted in one of the public newspapers printed in the city of Albany, giving at least fifteen days notice of the time and place the said subscribers shall meet for the purpose of choosing thirteen directors, who shall be stockholders, for the purpose of managing the concerns of the said company for one year ; and the day of choosing the said directors shall for ever thereafter be the anniversary day for choosing directors ; and any seven of the said directors shall be a quorum and capable of transacting the business of the said corporation, and every act of a majority of said directors so met shall be binding on the said corporation ; and the said directors, elected by a plurality of the votes of the stockholders present, shall immediately proceed to the choice of one of their number for president ; and the said president and directors may meet from time to time at such time and place as they may find expedient and direct, and shall have power to make such bye-laws, rules, orders and regulations, not inconsistent with the constitution or laws of this state or of the United States, as shall be necessary for the well ordering the affairs of the said corporation.

III. *And be it further enacted,* That the said president and directors may continue to receive subscriptions to the stock of the said corporation until there shall be seven thousand shares subscribed, and shall have power to appoint such agents, clerks, workmen and others under them as shall be necessary for executing the business of the said corporation.

IV. *And be it further enacted,* That the said corporation, by the president and directors, or by any agent, superintendent, artist, or other person employed in their service, may enter into any land where they shall deem it proper to construct the said road, and to lay out and survey such routes or tracks as shall be most practicable for effecting a good and sufficient road between the places aforesaid ;

and the said president and directors may contract with the owners of the said land for the purchase of so much thereof as shall be necessary for the purpose of making the said road, and for erecting and establishing gates, toll-houses, and all other works to the said road belonging, the said president and directors paying the owner or owners, or occupant of the land so to be laid out as part of the road, such reasonable sum for damages as may be agreed on ; and in case of disagreement between the parties as to the said damages, the same shall be determined by an appraisement to be made on oath of three, or if they disagree, of two indifferent freeholders, to be mutually chosen, or (if the owners or occupants of the said land refuse or neglect to join in the choice) to be appointed by any judge of the court of common pleas of the county in which the lands or property shall be ; *Provided*, The said judge shall not be interested in the said dispute.

Damages how ascertained and paid.

Provido.

V. *And be it further enacted*, That the said president, directors and company shall cause a road to be laid out at least four and not exceeding six rods wide, twenty feet of which shall be bedded with wood, stone, gravel or any other hard substance, compacted together a sufficient depth to secure a solid foundation to the same, and the said road shall be faced with gravel or other hard substance, in such manner as to secure, as near as the materials will admit, an even surface, rising towards the middle by a gradual arch ; and they shall during the continuance of this act, maintain and keep the same in good order from the town of Salisbury to the ferry near the store of John Livingston in the town of Livingston, and from the landing at Catskill to the ferry known as aforesaid.

Dimensions, construction and route of the road to be laid out.

VI. *And be it further enacted*, That as soon as the said president, directors and company shall have completed the said road, or four miles and an half thereof on either or both sides of said river, then it shall be lawful for the president, directors and company to give notice to the governor of this state, who shall thereupon forthwith nominate and appoint three commissioners, who shall at the expense of the said corporation, view the same, and report to him in writing whether the said road is so far executed in a workmanlike manner, according to the true intent and meaning of this act ; and if the said commissioners, or any two of them, report in the affirmative, then it shall be the duty of the governor, by licence under his hand and the privy seal of this state, to permit the said president, directors and company to erect one gate and turnpike across said road, on such side or sides of said river as the road thereon shall be so far completed, and in like manner for every ten miles which shall be completed thereafter and ascertained as aforesaid ; and as soon as the whole or any part of the said road shall be completed, and per-

Governor when to permit gates and turnpikes to be erected.

Toll-gatherers when to be appointed.

mission to erect a gate or gates as aforesaid be granted, the president and directors may appoint toll-gatherers to collect and receive of and from all and every person or persons using the said road at either of said gates, not less than three miles and an half nor more than four miles from the said river, one half the toll hereinafter mentioned, and at each of the other gates or turnpikes the following toll or sums of money : For every score of sheep or hogs, eight cents ; for every score of cattle, horses or mules, twenty cents, and so in proportion for any greater or less number of sheep, hogs, cattle, horses or mules ; for every horse and rider, or led horse, five cents ; for every sulkey, chair or chaise with one horse, twelve and an half cents ; for every cart drawn by one horse, six cents ; for every chariot, coach, coachee or phaeton, twenty-five cents ; for every stage-waggon or other four wheel carriage drawn by two horses, mules or oxen, twelve and an half cents, and three cents for every additional horse, mule or ox ; for every cart drawn by two oxen, twelve and an half cents, and for every additional horse or ox, three cents ; for every sleigh or sled, six cents, if drawn by two horses or oxen, and in like proportion if drawn by a greater or lesser number of horses or oxen ; and it shall be lawful for any of the toll-gatherers to stop any person riding, leading or driving any horse, cattle, sheep or hogs, sulkey, phaeton, chair, chaise, cart, waggon, sleigh, or other carriage of burthen or pleasure, from passing through the gates or turnpikes, until they shall respectively have paid the toll as above specified ; *Provided*, That nothing in this act shall be construed so as to entitle the said corporation to demand or receive toll of or from any person passing to or from public worship, or to or from his common business on his farm, or to or from any mill to which he may resort for the grinding of grain for his family use, or persons going to or returning from a funeral.

Mile-stones and guide-posts to be erected. VII. *And be it further enacted*, That the said corporation shall cause mile-stones to be erected or placed, one for each and every mile of the said road on which they shall be permitted to place gates or turnpikes, and on each stone placed as aforesaid, shall be fairly and legibly marked the distance the said stone is from the North-river ; and shall also erect guide-posts at the intersection of all public highways leading into and from the said turnpike, on which shall be inscribed the name of the town in which the post stands, and the name of the town or towns to which the road leads in the direction to which the hand points ; and the said corporation shall also cause to be affixed to each gate or turnpike a printed list of the rates of toll which may be lawfully demanded.

Rates of toll to be affixed to each gate. VIII. *And be it further enacted*, That if any person or persons shall break or throw down or deface any of the

Penalty for defacing the mile-stones, &c.

mile-stones or guide-posts so erected for the information of the good people of this state, or shall cut, break down or destroy any of the gates or turnpikes which shall be erected in pursuance of this act, or shall forcibly pass the same without having paid the legal toll at such gate or turnpike, such person or persons shall forfeit and pay a fine of twenty-five dollars, to be recovered by the treasurer of the corporation, to their use, in an action of debt, with costs of suit ; and if any person shall with his team, carriage or horse, turn out of said road to pass a gate or gates on ground adjacent thereto, and again enter on the said road, with intent to avoid the toll due by virtue of this act, such person shall forfeit and pay three times as much as the legal toll would have been for any such person in passing through said gate or gates, to be recovered by the treasurer of the said corporation for the use thereof, in an action of debt, with costs of suit.

IX. *And be it further enacted,* That if any toll-gatherer shall unreasonably delay or hinder any traveller or passenger at any of the gates, or shall receive more toll than is by this act established, he shall for every such offence, forfeit and pay the sum of twenty-five dollars, to be prosecuted for and recovered before any justice of the peace in the county where such offence shall be committed, for the sole use of the person so unreasonably hindered or defrauded.

Penalty on toll-gatherers for neglect of duty.

X. *And be it further enacted,* That the shares in the said turnpike road shall be taken, deemed and considered to be personal estate, and be transferable in such manner as the president and directors shall direct.

Shares deemed personal property.

XI. *And be it further enacted,* That the president and directors of the said corporation shall keep a just and fair account of all monies received by the several collectors of toll on the said road, and shall make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted) amongst all the stockholders of the said corporation, and shall on the second Tuesday of January and July in every year, publish the half yearly dividend to be made of the said clear profits among the stockholders, and the times and places when and where the same will be paid, and shall cause the same to be paid accordingly.

Accounts how kept and dividends how and when to be declared and paid.

XII. *And be it further enacted,* That the said president and directors shall within six months after said road is completed, lodge in the comptroller's office of this state an account of the expense thereof, and the corporation shall annually exhibit to the comptroller a true account of all the income arising from said toll with the annual disbursements on said road.

Directors to account with the comptroller.

XIII. *And be it further enacted,* That the legislature may dissolve the said corporation when the income arising from

Corporation when to be dissolved.

Provido.

Directors
may demand
payment on
subscriptions
under pain of
forfeiture.

said toll shall have fully compensated the said corporation for all monies they may have expended in purchasing, making, repairing and taking care of said road, together with an interest thereon of fourteen per centum per annum; and thereupon the right, interest and property of said road shall be vested in the people of this state, and be and remain at their disposal; *Provided*, That if the said corporation shall not commence their operations on the said road within two years after passing of this act, or shall not within ten years afterwards complete the said road according to the true intent and meaning of this act, then and in either of these cases this act shall cease, be void and of no effect.

XIV. *And be it further enacted*, That it shall be lawful for the said directors to call for and demand of and from the stockholders respectively, all such sums of money by them subscribed or to be subscribed, at such times and in such proportions as they shall see fit under pain of forfeiture of their shares and of all previous payments made thereon to the said president, directors and company.

C H A P. CII.

An ACT to establish a Turnpike Corporation in the County of Orange.

Passed 4th April, 1800.

Persons here-
in named and
their affoci-
ates made a
body corpo-
rate.

Style of the
corporation.
Their corpo-
rate rights.

Provido.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That William Wickham, John Steward, James Everitt, James Carpenter, Thomas Waters, James W. Wilkin, David M. Westcott, Anthony Dobbin, Jonathan Sweezy, John Wood, Solomon Smith and John Gale junior, and all such persons as shall associate for the purpose of making a good and sufficient road from the house of Moses Cunningham in the town of Cheesocks, in the said county of Orange, to the intersection of the road leading from Sterling iron works, near the house of Stephen Sloots, running in the present road as far as circumstances will admit, shall be and hereby are created and made a corporation and body politic, in fact and in name, by the name of "The president, directors and company of the Orange turnpike road," and by that name they shall be capable in law to purchase, have, hold, enjoy and retain to them and their respective successors, lands, tenements, hereditaments, goods, chattels and effects of every kind whatsoever, and the same or any part thereof, to sell, grant, demise, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in courts of record, or any other place whatsoever; *Provided however*, That the amount of the real estate which the said corpo-

ration are hereby authorized to purchase and hold, shall not exceed two thousand dollars ; *And provided further,* That such estate so to be purchased and held, shall be necessary to fulfil the end and intent of the corporation hereby created and made, and to no other use, intent or purpose whatsoever.

Further provide.

II. *And be it further enacted,* That George D. Wickham, John Bradner, David Webb, Seth Marvin and Selah Strong, be and they are hereby appointed commissioners to do and perform the several duties herein after mentioned, that is to say : They shall on or before the first day of June next procure five books, and in each of them enter as follows : " We whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay the president, directors and company of the Orange turnpike road, the sum of twenty-five dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportion, and at such time and place as shall be determined by the said president, directors and company ;" one of which books shall be left with each of the said commissioners at their respective places of abode, who shall keep the same open for the purpose of receiving subscriptions ; and every subscriber shall at the time of subscribing, pay unto either of the said commissioners the sum of five dollars for each share so subscribed ; and the said commissioners shall as soon as one hundred shares have been subscribed, cause an advertisement to be inserted in the public newspaper printed in the town of Goshen, giving at least twenty days notice of the time and place the said subscribers shall meet for the purpose of choosing thirteen directors, who shall be stockholders, for the purpose of managing the concerns of the said company for one year, and the day of choosing the said directors shall thereafter be the anniversary day of choosing directors ; and the said directors, elected by a plurality of the votes of the stockholders present, shall immediately proceed to the choice of one of their number for president ; and the said president and directors shall and may meet from time to time, and at such times and place as they may by their bye-laws, rules, orders and regulations, not inconsistent with the constitution or laws of this state or of the United States, deem necessary for the well ordering the affairs of the said corporation ; *Provided,* That at the election of directors no person shall have more than twenty votes, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held under the said number.

Commissioners appointed and their duty.

Thirteen directors to be chosen,

Who are to choose a president.

Provide.

III. *And be it further enacted,* That if at any meeting of the directors of any turnpike company or corporation, the president thereof shall not attend, then and in such

A president pro tem. may be appointed.

case it shall and may be lawful for the directors of such corporation to appoint a president for the time being.

250 shares
may be sub-
scribed and
agents, &c.
appointed.

IV. *And be it further enacted,* That the said president and directors may continue to receive subscriptions to the stock of the said corporation until there shall be two hundred and fifty shares subscribed ; that they shall have power to appoint such officers, agents, clerks, artists, workmen and others under them, as shall be necessary for executing the business of the said corporation.

Powers of
said corpora-
tion in laying
out the road.

Commission-
ers to be ap-
pointed to as-
sess damages.

V. *And be it further enacted,* That the said corporation, by the president and directors, or by any agents, superintendents, artists or other persons employed by them, may enter into any land where they may deem it proper to construct said road, and to lay out, survey and labour on such routes or tracts as shall be most eligible for a good and sufficient road between the places aforesaid, and contract with the owner or owners for the purchase of so much thereof as may be necessary for making said road, and erecting and establishing gates, toll-houses and all other works to the said road belonging ; and in case of disagreement between the said parties respecting the damages to be done to said land, or if the owner or owners shall be *feme covert*, insane or under age, or out of the county, then it shall and may be lawful for the said president and directors to apply to one of the judges or assistant justices of the court of common pleas in and for the said county of Orange, not interested in the said road, who is hereby authorized and required to nominate, and by an instrument in writing signed by him, to appoint three commissioners, being freeholders of the said county, and who shall not be inhabitants of any of the towns through which said road shall pass ; and it shall be the duty of the said president and directors to cause a copy of such appointment to be served on each of said commissioners, who shall thereupon name a day for meeting on the said lands and performing the duties required of them by this act, and also to give notice to the owner or owners of such lands of the said appointment, and the day, being at least four days from the time of giving such notice, when and where the commissioners will meet for the purpose of examining the lands and assessing the damages (except in case the owner or owners shall labour under any of the disabilities aforesaid, or be absent, in either of which cases a copy may be left at the dwelling house of the party, if any, or other notorious place on the land through which said road shall pass ;)

Who shall
severally take
an oath.

And further, Each of said commissioners shall, before he proceeds to exercise the trusts reposed in him by this act, take and subscribe an oath before one of the justices of the peace in and for said county, that he will, without favour or partiality, estimate and assess the damages which may be sustained by the owner or owners of any lands or im-

improvements which the said corporation may deem necessary for the said road, and the commissioners shall then proceed to view the premises, and having determined the damages, shall make an inquisition under their hands and seals, or the hands and seals of any two of them, stating the amount of damages, if any, which each or any of the owner or owners of any parcel of land used or to be used for said road have sustained or shall sustain, which said inquisition shall be acknowledged by the commissioners signing the same, before one of the judges aforesaid, and filed together with the affidavit aforesaid in the office of the clerk of the said county of Orange, who shall, at the expense, costs and charges of the president and directors aforesaid, enter the same of record in the book kept by him for recording deeds, and the said corporation paying to the several owners of said lands the several sums awarded by such inquisition, shall have and hold, to them, their successors and assigns for ever, the lands and tenements described therein ; and the president and directors aforesaid shall pay to the judge who made the appointment of said commissioners, two dollars for his services, and to each of the said commissioners, for every day necessarily attending the duties required of them by this act, two dollars and fifty cents.

Compensation to the judge and to said commissioners.

VI. *And be it further enacted,* That it shall and may be lawful to and for the president, directors and company of the said corporation, and their superintendents, artists, workmen and labourers, with carts, waggon and other carriages, with their beasts of draft and burthen, and all necessary tools and implements, to enter upon the lands contiguous or near to the said road, first giving notice of such intention to the owners or occupants thereof, and doing as little damage thereto as possible, and repairing any breaches they make in the enclosures thereof, and making amends for any damage that may be sustained by the owners or occupants of such ground or improvements, by appraisement in manner herein after directed, and upon a reasonable agreement of the owners or occupants, if they can agree, or if they cannot agree, then upon an appraisement to be made upon the oath of three, or if they disagree, any two indifferent freeholders, to be mutually chosen, or if the owners or occupants neglect or refuse to join in the choice, to be appointed by any justice of the peace of the county, and on tender of the appraised value, to take any timber, stone, gravel, sand or earth, being most conveniently situated for making or repairing the said road and turnpike, and to use the same in carrying on the said work.

Further powers and privileges of the said corporation.

VII. *And be it further enacted,* That the said president, directors and company shall cause a road to be laid out at least four rods wide, sixteen feet at least of which shall be

Dimensions and construction of said road.

bedded with wood, stone, gravel or any other hard substance well compacted together, a sufficient depth to secure a good and solid foundation to the same ; and the said road shall be faced with gravel or stone pounded, or other small hard substance, in such manner as to secure a firm, and as near as the materials will admit, an even surface, rising towards the middle by a gradual arch ; and they shall, during the continuance of this act, maintain and keep the same in good and perfect order.

Governor
when to per-
mit gates to
be erected.

VIII. *And be it further enacted*, That as soon as the said president, directors and company shall have perfected the said road for any distance from either end of said road, not less than five miles, and so from time to time any other like distance progressively, they shall give notice thereof to the governor of this state, who shall thereupon forthwith nominate and appoint three skilful and judicious persons to view the same, and report to him in writing whether the said road is so far executed in a masterly and workmanlike manner, according to the true intent and meaning of this act ; and if their report be in the affirmative, then it shall be lawful for the governor, by licence under his hand and the privy seal of this state, to permit and suffer the said president, directors and company to erect and fix such and so many gates or turnpikes upon and across the said road as will be necessary and sufficient to collect the tolls and duties herein after granted to the said corporation from all persons travelling the same ; *Provided always*, That there shall not be more than three gates in the whole distance of the road above mentioned.

Provide.

Toll-gather-
ers to be ap-
pointed.

IX. *And be it further enacted*, That as soon as such road is perfected, or such part thereof as aforesaid, and the same being examined and licensed in manner aforesaid, it shall and may be lawful for the president, directors and company to appoint toll-gatherers to collect and receive from all and every person or persons using the said road, the tolls and duties herein after mentioned, that is to say :

Rates of toll.

For any number of miles not less than ten, the following sums of money, and so in proportion for any greater or less distance, to wit : For every score of sheep, eight cents ; for every score of hogs, eight cents ; for every score of cattle, eighteen cents ; for every horse and rider, or led horse, five cents ; for every sulkey, chair or chaise with one horse and two wheels, twelve cents and an half ; for every chariot, coach, coachee or phaeton, twenty-five cents ; for every stage waggon, or other four wheeled carriage drawn by two horses, and for every cart drawn by two oxen, twelve cents and a half, and three cents for every additional horse ; for every sleigh and sled, eight cents, if drawn by two oxen or two horses, and in the like proportion if drawn by a greater or lesser number of horses or oxen ; and it shall be lawful for any of the said toll-

gatherers to stop any person riding, leading or driving any of the herein enumerated articles from passing through the said gates or turnpikes, until they shall have respectively paid the toll, not exceeding the rates above specified ; *Provided always*, That it shall and may be lawful for any person or persons residing within five miles of any of the gates or turnpikes to be erected on the said road, to compound by the year with the president and directors of the said corporation for the privilege of using the said road, and passing through the said gates or turnpikes ; and in case any such person or persons shall not be able to agree with the said president and directors upon the rate of composition, the same shall be determined in the manner provided by the fifth section of this act for ascertaining the value of lands that may be included in such road, except that it shall not be necessary for the inquisition or award of the commissioners to be acknowledged and recorded.

Provided.

X. *And be it further enacted*, That if any person who shall use the said road, shall with a view to evade the payment of the tolls required by this act, leave the said road and go round the said gates, every such person shall for each such offence, forfeit and pay to and for the use of the president, directors and company aforesaid, the sum of ten dollars, to be sued for in their names, before any justice of the peace by action of debt, to be recovered with costs of suit.

Persons evading the toll how to be dealt with.

XI. *And be it further enacted*, That if any of the toll-gatherers shall unreasonably delay or hinder any passenger or traveller at any of the gates, or shall demand or require more toll than is by this act established, he shall for each and every offence forfeit and pay the sum of two dollars, to be recovered in manner and form aforesaid, with costs of suit, in the name and for the benefit of the party delayed, hindered or defrauded, besides all special damages accruing to the person so stopped or delayed.

Toll-gatherers for misconduct how dealt with.

XII. *And be it further enacted*, That the shares in the said turnpike road shall be taken, deemed and considered to be personal estate, and shall and may be transferable, and all such transfers shall and may be made and inserted in the books of the said president, directors and company.

Shares deemed personal property.

XIII. *And be it further enacted*, That the said corporation shall cause mile-stones to be placed on one side of the said road in its whole extent, whereon shall be marked in legible characters the respective number of miles from the place of commencing the said road, and also shall cause to be affixed up in a conspicuous place at each gate or turnpike a printed list of the rates of toll.

Mile-stones to be erected and lists of toll put up.

XIV. *And be it further enacted*, That the said corporation shall cause to be kept a fair and just account of all monies

Accounts how kept and divides how

and when to
be declared
and paid.

received for toll on the said road, and shall make and declare a dividend of the clear profits and income (all contingent charges being first deducted) amongst all the stockholders of the stock of the said corporation, and shall on the second Tuesday in January and July in every year, publish the half yearly dividend to be made of the said clear profits, and the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

Corporation
to account
with the
comptroller.

XV. *And be it further enacted*, That the said corporation shall within six months after the said road is completed, lodge in the office of the comptroller an exact account of the expenses thereof, and the said corporation shall annually exhibit to the comptroller a true account of the dividends made and arising from the said toll with the annual disbursements on said road.

Certain du-
ties of the
comptroller.

XVI. *And be it further enacted*, That the comptroller shall and he is hereby required to report to the legislature whenever it shall appear, from the accounts so to be exhibited to him, that the income arising from the said toll shall have fully compensated the said corporation for all monies they have expended in purchases, making, repairing, taking care of the said road, and for all other expenditures thereon, together with an interest of fourteen per cent by the year ; and thereupon the said corporation shall be dissolved, and the interest and property of the said road shall be vested in the people of this state ; *Provided*, That if the said corporation shall not proceed to commence work on the said road within two years after passing this act, and shall not within five years thereafter complete the said road according to the intent and meaning of this act, then and in either of these cases this act shall cease, be void and of no effect.

C H A P. CV.

An ACT to incorporate the Mohawk Turnpike and Bridge Company.

Passed 4th April, 1800.

Persons here-
in named and
those who
shall associate
with them
made a body
corporate.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That Benjamin Walker, Peter Smith, Gaylord Griswold, William Alexander, Charles Nukerk, John Beardsley, Jacob C. Cuyler, Abraham Outhout, James Murdock, Alexander Alexander, John C. Cuyler, and all such persons as shall associate for the purpose of erecting a substantial bridge across the Mohawk-river, opposite the compact part of the city of Schenectady, and making a good and sufficient road from the said bridge to or near the house of William

Klyne in the town of Amsterdam, and from thence to Palatine church in the county of Montgomery ; thence through the village at the Little-Falls to the court-house of the county of Herkimer, and from thence to the village of Utica in the county of Oneida, shall be and hereby are created and made a corporation and body politic, in fact and in name, by the name of " The president, directors and company of the Mohawk turnpike and bridge company ;" and that by that name they shall be capable in law to purchase, have, hold, enjoy and retain to them and their respective successors, lands, tenements, hereditaments, goods, chattels and effects of every kind whatsoever, and the same, or any part thereof, to sell, grant, demise, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in courts of record, or any other place whatsoever ; *Provided however*, That the amount of the real estate which the said corporation are hereby authorized to purchase and hold, shall not exceed ten thousand dollars ; *And provided further*, That such estate so to be purchased and held shall be necessary to fulfil the end and intent of the corporation hereby created and made, and to no other use, intent or purpose whatsoever.

Style of the corporation. Their privileges.

Proviso.

Further proviso.

II. *And be it further enacted*, That Peter Smith, Gaylord Griswold, Charles Nukerk, Jacob C. Cuyler, James Murdock, John C. Cuyler, be and they are hereby appointed commissioners to do and perform the several duties herein after mentioned, that is to say : They shall on or before the first Tuesday in May next procure six books, and in each of them enter as follows : " We whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay the president, directors and company of the Mohawk turnpike and bridge company, the sum of fifty dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportion, and at such time and place as shall be determined by the president and directors of said company ;" one of which books shall be left with each of the said commissioners at their respective places of abode, who shall keep the same open for the purpose of receiving subscriptions ; and every subscriber shall at the time of subscribing, pay unto either of the said commissioners the sum of five dollars for each share so subscribed ; and the said commissioners shall, as soon as five hundred shares have been subscribed, cause an advertisement to be inserted in one of the public newspapers printed in the city of Albany, and in the newspapers printed at Johnstown and Utica, giving at least three weeks notice of the time and place the said subscribers, shall meet for the purpose of choosing thirteen directors, who shall be stockholders, for the purpose of managing the concerns of the said compa-

Commissioners appointed,

Their duties.

Subscriptions to be opened.

Thirteen directors to be chosen.

Who shall
choose a pre-
sident.

Provide.

Stock limited
to 2500 shares
&c.

Powers and
privileges of
said corpora-
tion.

ny for one year ; and the day of choosing the said directors shall for ever thereafter, be the anniversary day for choosing directors ; and any seven of the said directors shall be a quorum, and capable of transacting the business of said corporation ; and every act of a majority of said directors so met shall be binding on the said corporation ; and the said directors, elected by a plurality of the votes of the stockholders present, to be given upon the principles hereafter mentioned, shall immediately proceed to the choice of one of their number for president ; and the said president and directors may meet from time to time, at such time and place as they may find expedient and direct, and shall have power to make such bye-laws, rules, orders and regulations, not inconsistent with the constitution or laws of this state or of the United States, as shall be necessary for the well ordering the affairs of the said corporation ; *Provided*, That no person shall have more than twenty-five votes whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held under the said number.

III. *And be it further enacted*, That the said president and directors may continue to receive subscriptions to the stock of the said corporation, until there shall be two thousand five hundred shares subscribed, and shall have power to appoint such agents, clerks, workmen and others under them, as shall be necessary for executing the business of the said corporation.

IV. *And be it further enacted*, That the said corporation, by the president and directors, or by any agent, superintendent, artist or other person employed in their service, may enter into any land where they shall deem it proper to construct the said road, and to lay out and survey such routes or tracts as shall be most practicable for effecting a good and sufficient road between the places aforesaid ; and the said president and directors may contract with the owners of the said land for the purchase of so much thereof as shall be necessary for the purpose of making the said road, and for erecting and establishing gates, toll-houses and all other works to the said road belonging, and with their carriages, beasts, tools and implements, to enter in and upon any land contiguous to the said road, and to carry away any timber, stones, gravel, sand or other earth, being more conveniently situated for making or repairing said road, and to use the same for carrying on said work, the said president and directors paying the owner or owners of the land so to be laid out as part of the road, the value of the land or of the materials aforesaid, as the case may be, together with such reasonable sum for damages, including all damages that may be occasioned from time to time by the erection and continuance of the said

bridge, opposite to the said city of Schenectady, as may be agreed on ; and in case of disagreement between the parties as to the said value or damages, the same shall be determined by an appraisement to be made on oath of three, or if they disagree, of two indifferent freeholders, to be mutually chosen : or if the owners of the said land or materials refuse or neglect to join in the choice, to be appointed by any justice of the peace of the county in which the lands or property shall be, who may be applied to by the said directors for that purpose ; *Provided*, That the said justice shall not be interested in the said dispute.

Damages how ascertained.

Provido.

V. *And be it further enacted*, That the said president and directors shall cause the said road to be laid out thirty feet wide between the ditches (when ditches shall be necessary) eighteen feet of which shall be bedded with wood, stone, gravel or any other hard substance compacted together a sufficient depth to secure a solid foundation to the same ; and the said road shall be faced with gravel or other hard substance in such manner as to secure, as near as the materials will admit, an even surface, rising towards the middle by a gradual arch ; and they shall during the continuance of this act, maintain and keep the same in good repair, and every neglect to keep and preserve the same road in such repair, shall be taken, judged and deemed a misdemeanor in the president and individual directors for the time being of the said company.

Dimensions and construction of road and ditches.

Road to be kept in good repair.

VI. *And be it further enacted*, That all bridges being on the said road, including the said bridges across the Mohawk-river at Schenectady and Utica, shall be considered as part of the said road, and shall be maintained and kept in repair by the said president, directors and company during the continuance of this act.

What bridges to be considered as part of said road.

VII. *And be it further enacted*, That as soon as any part of the said road not less than ten miles in any place or part thereof shall be completed, it shall be lawful for the president, directors and company to give notice to the governor of this state, who shall thereupon forthwith nominate and appoint two or three judicious persons to view the same, and report to him in writing whether such part of the said road is completed in a workmanlike manner, according to the true intent and meaning of this act ; and if the report shall be in the affirmative, then it shall be lawful for the governor, and it is hereby made his duty, by licence under his hand and the privy seal of this state, to permit the said president and directors to erect and fix so many gates and turnpikes upon and across said road, as will be necessary and sufficient to collect the duties and tolls hereinafter granted to the said corporation from all persons travelling on the same ; *Provided*, That such gates and turnpikes (except the turnpike on the bridge

Gates and turnpikes when to be erected.

Provido.

hereinafter mentioned) shall be erected at a distance not less than ten miles from each other.

A gate and turnpike may be erected upon the bridge at Schenectady and toll demanded.

Provido.

Toll-gatherers to be appointed.

Rates of toll.

Provido.

Further proviso.

VIII. *And be it further enacted*, That as soon as the bridge at the city of Schenectady aforesaid shall be completed and finished, it shall be lawful for the president, directors and company to erect a gate and turnpike upon and across the said bridge, and to ask, demand and receive from all and every person and persons who shall pass over the same, the like tolls and duties as hereinafter granted to the said corporation for every ten miles of said road ; *Provided always*, That the citizens of the said city of Schenectady shall be allowed to compound with the said president and directors by the year for passing the said bridge.

IX. *And be it further enacted*; That as soon as the whole or any part of the said road shall be completed, and permission to erect a gate or gates as aforesaid be granted, the said president and directors may appoint toll-gatherers to collect and receive of and from all person or persons using the said road and passing through any of the said gates, the tolls and duties hereinafter mentioned, and no more, that is to say : Any number of miles not less than ten in length of said road, the following sums of money, and so in proportion for any greater or lesser distance, or for any greater or lesser number of sheep, hogs or cattle, as follows : For every score of sheep or hogs, eight cents ; for every score of cattle, horses or mules, eighteen cents, and so in proportion for any greater or less number of sheep, hogs, cattle, horses or mules ; for every horse and rider or led horse, five cents ; for every sulkey, chair or chaise with one horse, twelve and an half cents ; for every cart drawn by one horse, six cents ; for every chariot, coach, coachee or phaeton, twenty-five cents ; for every stage-waggon or other four wheel carriage drawn by two horses, mules or oxen, twelve and an half cents, and three cents for every additional horse, mule or ox ; for every cart drawn by two oxen, six cents, and for every additional horse or ox, two cents ; for every sleigh or sled, six cents, if drawn by two horses or oxen, and in like proportion if drawn by a greater or lesser number of horses or oxen ; and it shall be lawful for any of the toll-gatherers to stop any person riding, leading or driving any horse, cattle, sheep or hogs, sulkey, phaeton, chair, chaise, cart, waggon, sleigh, or other carriage of burthen or pleasure, from passing through the gates or turnpikes, until they shall have respectively paid the toll as above specified ; *Provided*, That nothing in this act shall be construed so as to entitle the said corporation to demand or receive toll of or from any person passing to or from public worship, or to or from his common business on his farm, or to or from any mill ; *And provided further*, That

it shall not be lawful for the president and directors aforesaid, to demand or receive any toll of or from any person or persons travelling in sleighs or sleds in or upon said road, and passing or repassing through all or any or either of the said gates or turnpikes between the first day of January and the first day of March in each and every year.

X. *And be it further enacted,* That the said corporation shall cause mile-stones to be erected or placed, one for each and every mile of the said road on which they shall be permitted to place gates or turnpikes, and on each stone placed as aforesaid, shall be fairly and legibly marked the distance the said stone is from the city of Schenectady, and shall also erect guide-posts at the intersection of all roads leading into and from the said turnpikes, and to which post-boards shall be attached, on which shall be inscribed the name of the town in which the post stands, and the name of the town or towns to which the road leads in the direction to which the hand-board points ; and the said corporation shall also cause to be affixed to each gate or turnpike a printed list of the rates of toll which may be lawfully demanded.

Mile-stones and guide-posts to be erected.

Rates of toll to be affixed to each gate.

XI. *And be it further enacted,* That if any person or persons shall break or throw down or deface any of the mile-stones, guide-posts or boards so erected, or shall cut, break down or destroy any of the gates or turnpikes which shall be erected in pursuance of this act, or shall forcibly pass the same without having paid the legal toll at such gate or turnpike, such person or persons shall forfeit and pay a fine not exceeding ten dollars, nor less than one dollar, to be recovered by the treasurer of the corporation, to their use, in an action of trespass ; and if any person shall with his team, carriage or horse, turn out of said road to pass the said gates on ground adjacent thereto, and again enter on the said road with intent to avoid the toll due, by virtue of this act, such person shall forfeit and pay treble the legal toll for any such person in passing through said gate, to be recovered by the treasurer of the said corporation for the use thereof, in an action of debt.

Penalty for defacing the mile-stones, &c.

XII. *And be it further enacted,* That if any toll-gatherer shall unreasonably delay or hinder any traveller or passenger at any of the gates, or shall demand or receive more toll than is by this act established, he shall for every such offence forfeit and pay the sum of two dollars, to be prosecuted for and recovered before any justice of the peace in the county where such offence shall be committed, for the sole use of the person so unreasonably hindered or attempted to be defrauded.

Penalty on toll-gatherers for neglect of duty.

XIII. *And be it further enacted,* That the shares in the said turnpike and bridge company shall be taken, deemed and considered to be personal estate, and shall and may be transferable ; and the transfers of the said shares shall be

Shares deemed personal estate.

made and entered on the books of the said president, directors and company.

Accounts how kept and dividends how and when to be declared and paid.

XIV. *And be it further enacted,* That the president and directors of the said corporation shall keep a just and fair account of all monies received by the several collectors of toll on said road, and shall make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted) among all the stockholders of the said corporation, and shall publish half yearly the dividend to be made of the said clear profits among the stockholders, and of the times and places when and where the same will be paid, and shall cause the same to be paid accordingly.

Directors to account with the comptroller.

XV. *And be it further enacted,* That the said president and directors shall within six months after said road and bridge shall be completed, lodge in the comptroller's office of this state an account of the expenses thereof ; and the corporation shall annually exhibit to the comptroller a true account or dividend of all the income arising from said toll with the annual disbursements on said road and bridge.

Corporation when to be dissolved.

XVI. *And be it further enacted,* That the legislature may dissolve the said corporation whenever the income arising from said toll shall have fully compensated the said corporation for all monies they may have expended in purchasing, making, repairing and taking care of said road and bridge, together with an interest thereon of fourteen per centum per annum ; and thereupon the right, interest and property of said road and bridge shall be vested in the people of this state, and be and remain at their disposal ; *Provided,* That if the said corporation shall not commence their operations on the said road and bridge within two years after the passing of this act, or shall not in six years afterwards complete the said road according to the true intent and meaning of this act, then and in either of these cases this act shall cease, be void and of no effect.

Proviso.

In what case said road may be extended.

XVII. *And be it further enacted,* That in case the inhabitants residing upon or contiguous to the great road leading from the village of Utica aforesaid to the town of Rome in said county of Oneida, shall become stockholders in said company to a sufficient amount to improve the said road as prescribed by this act, it shall and may be lawful for the said directors, should they deem proper, to extend the road contemplated to be improved by this act, from the said village of Utica to the dwelling house of Daniel C. White in Whitestown, and from thence to the house of Stephen White in Rome, or such part of the said distance as they may deem proper ; and in case of such extension as aforesaid, the same line of road shall be improved and completed in the same manner in all respects as the same line of road from Schenectady to Utica is by this act directed to be improved and completed ; and the

tolls on the said road so extended shall be at the same rate, in proportion to the distance, and collected in like manner as the tolls are herein before directed to be collected and paid on the said line of road from Schenectady to Utica,

TWENTY-FOURTH SESSION. CHAP. CXCI.

An ACT to amend the Act, entitled "An Act to incorporate the Mohawk Turnpike and Bridge Company."

Passed 8th April, 1801.

WHEREAS the president and directors of the Mohawk turnpike and bridge company have, by their petition represented to the legislature, that annexing the road leading from the dwelling house of William Kline to the court-house in Johnstown, and from thence till it intersect the turnpike at such place as may be found most convenient, would advance the interest of the said company, and promote the convenience of the community, and have prayed the aid of the legislature in the premises : Therefore,

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the president, directors and company to receive subscriptions to the stock of the said company until the whole number of shares shall amount to three thousand, and also to annex to the road directed to be improved by the said recited act, the said road from the house of William Kline to the court-house in Johnstown, thence to or near the house of Henry Cook in Palatine, and from thence till it intersects the said first established road at such place as the president and directors, or a majority of them, shall judge most convenient, and to cause the said road to be made in the same manner, subject to the like penalties, regulations and restrictions, and be entitled to receive the same toll for every ten miles thereof as is provided in and by the afore-recited act.

II. And be it further enacted, That it shall and may be lawful for the said president and directors to cause gates to be erected on the said turnpike road in such places as shall be judged most for the benefit of the said company, although the distance between the said gates shall be greater or less than ten miles ; *Provided always*, That the rates of toll to be taken at the said gates hereby allowed to be erected, shall be in proportion to the rates of toll established in and by the said act hereby amended, for any distance greater or less than the said ten miles, provided the whole number of gates on both the said lines of road shall not exceed thirteen.

Preamble.

Amount of subscriptions to the stock of said company.

Gates and turnpikes how to be erected.

Proviso, proportioning the rates of toll.

Restriction as to the qualification of directors.

III. *And be it further enacted*, That not more than one-third of the whole number of directors of the company created by the said recited act shall be elected of persons residing out of this state.

TWENTY-THIRD SESSION. CHAP. CXXI.

An ACT to establish a Turnpike Corporation for improving the Road from Eastchester to Byram.

Passed 7th April, 1800.

Persons herein named and such others as may associate with them made a body corporate.

Style of the corporation.

Their powers and privileges

Proviso.

Commissioners appointed to perform certain duties

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That Philip Pell, John P. Delancey, Cornelius C. Rosevelt, Peter J. Munro and Gabriel Furman, and all such persons as shall associate for the purpose of making a good and sufficient road from Eastchester, beginning at or near the house of Theodosius Fowler, upon the new road lately made from Morrissania to Eastchester, and ending at the Connecticut line in Byram, in the nearest and most direct route as far as circumstances will admit, shall be and hereby are created and made a corporation and body politic, in fact and in name, by the name and style of "The president, directors and company of the Westchester turnpike road," and by that name shall be capable in law to purchase, have, hold, enjoy and retain to them and their respective successors, lands, tenements, hereditaments, goods, chattels and effects of every kind whatsoever, and the same or any part thereof to sell, grant, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in courts of record, or any other place whatsoever; *Provided however*, That the amount of the real estate which the said corporation are hereby authorized to purchase and hold shall not exceed two thousand dollars; *And provided further*, That such estate so to be purchased and held shall be necessary to fulfil the end and intent of the corporation hereby created and made, and to no other use, intent or purpose whatsoever.

II. *And be it further enacted*, That John P. Delancey, Cornelius C. Rosevelt, Peter J. Munro, Philip Pell and Gabriel Furman be, and they are hereby appointed commissioners, to do and perform the several duties hereinafter mentioned, that is to say: They shall on or before the first day of June next procure five books, and in each of them enter as follows: "We whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay the president, directors and company of the Westchester turnpike road, the sum of fifty dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportion,

and at such time and place as shall be determined by the said president, directors and company ;" one of which books shall be left with each of the said commissioners at their respective places of abode, who shall keep the same open for the purpose of receiving subscriptions ; and every subscriber shall, at the time of subscribing, pay unto either of the said commissioners five dollars for each share so subscribed ; and the said commissioners shall as soon as one hundred shares have been subscribed, cause an advertisement to be inserted in one of the public newspapers printed in the city of New-York, giving at least ten days notice of the time and place when and where the said subscribers shall meet for the purpose of choosing thirteen directors, who shall be stockholders, for the purpose of managing the concerns of the company for one year ; and the day of choosing the said directors shall for ever thereafter be the anniversary day for choosing directors, and any seven of the said directors shall be a quorum and capable of transacting the business of the said corporation, and every act of a majority of the directors so met shall be binding on the said corporation ; and the said directors, elected by a plurality of the stockholders present, shall immediately proceed to the choice of one of their number for president ; and the said president and directors may meet from time to time at such place as they may find expedient and direct, and shall have power to make such bye-laws, rules, orders and regulations, not inconsistent with the laws of this state or the United States, as shall be necessary for the well ordering the affairs of the corporation ; *Provided*, That no person shall have more than twenty votes, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him or her held under the said number.

Thirteen directors to be chosen,

7 of whom to make a quorum.

Who are to choose a president, and make bye-laws.

Proviseo.

III. *And be it further enacted*, That the said president and directors may continue to receive subscriptions to the stock of the said corporation until there shall be three hundred shares subscribed, and shall have power to appoint such agents, clerks, workmen, and others under them, as shall be necessary for executing the business of the said corporation.

Shares limited to 300.

IV. *And be it further enacted*, That the said corporation, by the president and directors, or by any agent, superintendent, artist or other person employed in their service, may by the advice and direction of the superintendents of the highways in the county of Westchester, enter into any land where they shall deem it proper to construct the said road, and by the like advice and direction to lay out and survey such routes or tracts as shall be most practicable for erecting a good and sufficient road between the places aforesaid ; *Provided nevertheless*, That no such route or road shall be surveyed or laid out through any

Authorities and privileges of the said corporation.

Proviseo.

Damages how
ascertained.

Commission-
ers severally
to take an
oath.

An inquisition
to be made &
acknowledg-
ed before a
judge.

garden without the consent of the owner or owners thereof if such garden shall have been cultivated as such at least ten years before such road shall be laid out ; and the said president and directors may contract and agree with the owners of the said land for the purchase of so much thereof as shall be necessary for the purpose of making the said road, and for erecting and establishing gates, toll-houses and all other works to the said road belonging ; and in case of a disagreement between the said parties respecting the damages to be done to the said land, or if the owner or owners shall be *femes covert*, insane or under age, or out of the country, then it shall and may be lawful for the said president and directors to apply to one of the judges or assistant justices of the court of common pleas in and for the said county of Westchester, not interested in the said road, who is hereby authorized and required to nominate, and by an instrument in writing signed by him, to appoint three commissioners, being freeholders of the said county, and who shall not be inhabitants of any of the towns through which the said road shall pass, and it shall be the duty of the said president and directors to cause a copy of such appointment to be served on each of the said commissioners, who, or any two of them, shall thereupon name a day for meeting on the said lands and performing the duties required of them by this act, and also to give notice to the owner or owners of such land of the said appointment, and the day, being at least four days from the time of giving such notice, when and where the commissioners will meet for the purpose of examining the lands and assessing the damages, except in case the owner or owners shall labour under any of the disabilities aforesaid, or be absent, in either of which cases a copy of such notice may be left at the dwelling house of the party, if any, or other notorious place on the land through which said road shall pass : *And further*, Each of the said commissioners shall before he proceed to exercise the trust reposed in him by this act, take and subscribe an oath or affirmation before one of the justices of the peace in and for said county that he will without favour or partiality, estimate and assess the damages which may be sustained by the owner or owners of any lands or improvements which the said corporation may deem necessary for said road, and the commissioners shall then proceed to view the premises, and having determined the damages, shall make an inquisition, under their hands and seals, or the hands and seals of any two of them, stating the amount of damages, if any, which each or any of the owner or owners of any parcels of land, used or to be used for said road, have sustained or shall sustain, which inquisition shall be acknowledged by the commissioners signing the same before one of the judges aforesaid, and filed together with the affidavit aforesaid in the office of

the clerk of the said county of Westchester, who shall, at the expense, costs and charges of the president and directors aforesaid, enter the same of record in the book kept by him for recording deeds ; and the said corporation, paying to the said several owners of said land the several sums awarded by such inquisition, shall have and hold to them, their successors and assigns for ever, the lands and tenements described therein, and the president and directors aforesaid, shall pay to the judge who made the appointment of said commissioners two dollars for his service, and to each of the said commissioners for every day necessarily attending the duties required of them by this act, two dollars and fifty cents ; *Provided*, That nothing in this act contained shall be construed to authorize the said president and directors, or any other person whatsoever, to enter upon such lands, and thereon make the said road, until they shall have paid the value of such land, together with such damages as may be agreed upon or appraised according to the provision of this act.

Compensation to the said judge and commissioners.

Provide.

V. *And be it further enacted*, That it shall and may be lawful to and for the president, directors and company of the said corporation, and their superintendents, artists, workmen and labourers, with carts, waggon and other carriages, with their beasts of draft and burthen, and all necessary tools and implements, to enter upon the land contiguous or near to the said road, first giving notice of such intention to the owners or occupants thereof, and doing as little damage thereto as possible, and repairing any breaches they make in the enclosures thereof, and making amends for any damage that may be sustained by the owners or occupants of such ground or improvements, by appraisement in manner herein after directed, and upon a reasonable agreement of the owners or occupants if they can agree, or if they cannot agree, then upon an appraisement to be made upon the oath or affirmation of three, or if they disagree, of two indifferent freeholders, to be mutually chosen, or if the owners or occupants neglect or refuse to join in the choice, to be appointed by any justice of the peace of the county, and on tender of the appraised value, to take any stone, gravel, sand or earth being most conveniently situated for making or repairing the said road and turnpike, and to use the same in carrying on the said work.

Certain privileges extended to the said corporation.

VI. *And be it further enacted*, That the said president, directors and company shall cause a road to be laid out at least four rods wide, twenty-four feet of which shall be bedded with wood, stone, gravel or any other hard substance, compacted together a sufficient depth to secure a solid foundation to the same ; and the said road shall be faced with gravel or other hard substance in such manner as to secure, as near as the materials will admit, an even sur-

Road how to be laid out and made.

face, rising towards the middle by a gradual arch, or where a bridge or bridges are necessary, such bridge or bridges shall not be less than twenty feet wide, and they shall during the continuance of this act, maintain and keep the same in good order from the house of the said Theodosius Fowler to the Connecticut line in Byram aforesaid.

When turn-
pikes and
gates to be
erected.

VII. *And be it further enacted,* That as soon as the said president, directors and company shall have completed five miles of the said road, then it shall be lawful for the said president, directors and company to give notice to the governor of this state, who shall thereupon forthwith nominate and appoint two or three judicious persons to view the same, and report to him in writing, whether the said road is so far completed in a workmanlike manner, according to the true intent and meaning of this act; and if the report is in the affirmative, then it shall be lawful for the governor, and it is hereby made his duty, by licence under his hand and the privy seal of this state, to permit the said president, directors and company to erect one gate and turnpike across said road; and when the remainder of the said road shall be completed, according to the true intent and meaning of this act, and after obtaining licence from the governor as aforesaid, it shall be lawful for the president, directors and company to erect another gate and turnpike across the said road at such place as they shall think proper; *Provided,* That the most westwardly gate upon said road shall be erected to the westward of the road leading from New-Rochelle church to New-Rochelle landing; and that the most eastwardly gate shall be erected to the eastward of the house of William Mariner in Rye; and that the last mentioned gate shall not be within one quarter of a mile of the Saw-Pit landing.

Provida.

Toll-gather-
ers to be ap-
pointed.

Rates of toll.

VIII. *And be it further enacted,* That as soon as the whole or any part of the said road shall be completed and permission to erect a gate or gates as aforesaid granted, the said president and directors may appoint toll-gatherers to collect and receive of and from all and every person or persons using the said road the tolls and duties herein after mentioned, and no more, at each of the said gates: For every score of sheep or hogs, six cents; for every score of cattle, horses or mules, sixteen cents, and so in proportion for a greater or less number of sheep, hogs, cattle, horses or mules; for every horse and rider or led horse, four cents; for every sulkey, chair or chaise with one horse, ten cents; for every cart drawn by one horse, five cents; for every phaeton, chariot, coach or coachee, twenty cents, and for every stage-waggon, or other four wheeled carriage drawn by two horses, mules or oxen, ten cents, and three cents for every additional horse, mule or

on ; for every cart drawn by two oxen, nine cents, and for every additional horse or ox, three cents ; for every sleigh or sled, six cents if drawn by two oxen or horses, and in like proportion if drawn by a greater or lesser number of horses: on oxen ; and it shall be lawful for any of the toll-gatherers to stop any person riding, leading or driving any horse, cattle, sheep or hogs, sulkey, phaeton, chain, chaise, cart, waggon, sleigh or other carriage of burthen or pleasure, from passing through the gates or turnpikes until they shall have respectively paid the toll as above specified ; *Provided always,* That it shall and **Proviso.** may be lawful for any person or persons residing within five miles of any of the gates or turnpikes to be erected on said road, to compound by the year with the president and directors of the said corporation for the privilege of using the said road and passing through the said gates or turnpikes ; and in case any such person or persons shall not be able to agree with the said president and directors upon the rate of compensation, the same shall be determined in the manner provided by the fifth section of this act for ascertaining the value of lands that may be included in such road, except that it shall not be necessary for the inquisition or award of the commissioners to be acknowledged and recorded.

IX. *And be it further enacted,* That the said corporation shall cause mile-stones to be erected or placed one for each and every mile of the said road ; and on each stone placed as aforesaid, shall be fairly and legibly marked the distance the said stone is from the city of New-York ; and shall also erect guide-posts at the intersection of all roads leading into and from said turnpike, and to which posts boards shall be attached, on which shall be inscribed the name of the town in which the post stands and the name of the town or towns to which the road leads in the direction to which the hand-board points ; and the said corporation shall also cause to be affixed to each gate or turnpike a printed list of the rates of toll which may be lawfully demanded.

Mile-stones and guide-posts to be erected.

Rates of toll to be affixed to each gate.

X *And be it further enacted,* That if any person shall break or throw down, or deface the mile-stones, guide-posts or boards so erected for information of the good people of this state, or shall break, cut or destroy any of the turnpikes or gates which shall be erected in pursuance of this act, or shall forcibly pass the same without having paid the legal toll at such gate or turnpike, such person or persons shall forfeit and pay a fine not exceeding ten dollars nor less than one dollar, to be recovered by the treasurer of the corporation to their use, in an action of trespass ; and if any person shall with his team, carriage or horse, turn out of said road to pass the said gates on ground adjacent thereto, and again enter on said road, with intent to avoid the toll due by virtue of this act, such

Penalty on persons injuring any mile-stone, &c.

person shall forfeit and pay three times as much as the legal toll would have been for any such person in passing through said gate, to be recovered by the treasurer of the said corporation for the use thereof, in an action of debt ; *Provided nevertheless*, That nothing in this act shall be construed so as to enable the said president and directors to receive toll of or from any person passing to or from his or her common business on his or her farm, or to or from any mill, not carrying a less quantity than one peck of grain, meal or flour, for the use of his or her family, to or from any funeral, to or from public worship on Sunday, or to or from any public landing, not passing thereto on said road more than three miles.

Proviso.

Penalty on toll-gatherers for neglect of duty.

XI. *And be it further enacted*, That if any toll-gatherer shall unreasonably delay, or hinder any traveller or passenger at any gates, or shall demand or receive more toll than is by this act established, he shall for every such offence, forfeit and pay the sum of two dollars, to be prosecuted for and recovered before any justice of the peace in the county where such offence shall be committed, for the sole use of the person so unreasonably hindered or attempted to be defrauded.

Stock deemed personal property.

XII. *And be it further enacted*, That the shares in the said turnpike road shall be taken, deemed and considered to be personal estate, and shall and may be transferable, and the transfers of the said shares shall be made and entered on the books of the said president, directors and company.

Accounts how kept and dividends how and when to be declared and paid.

XIII. *And be it further enacted*, That the president and directors shall keep a just and fair account of all monies received by the collectors of toll on said road, and shall make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted) amongst all the stockholders of said corporation, and shall on the second Tuesday in January and July in every year publish the half yearly dividend to be made of the clear profit amongst the stockholders, and of the times and places when and where the same will be paid, and shall cause the same to be paid accordingly.

Directors to account with the comptroller.

XIV. *And be it further enacted*, That within six months after the said road is completed, the said president and directors shall lodge in the comptroller's office of this state an account of the expense thereof ; and the corporation shall annually exhibit to the comptroller a true account of all the income arising from said toll, with the annual disbursements on said road.

Restriction as to building a bridge across Eastchester-creek.

XV. *And be it further enacted*, That nothing in this act contained, shall authorize the said president and directors, or any other person whatsoever, to build a bridge across Eastchester-creek, unless in making such bridge there be an opening between the abutments thereof, at least sixteen

feet in width, over which shall be constructed a good and sufficient draw for the free passage of vessels with fixed standing masts, and it shall be the duty of all such person or persons who shall open said draw after his or their passage, to shut and carefully close the same.

XVI. *And be it further enacted*, That the legislature may dissolve the said corporation when the income arising from said toll shall have fully compensated the said corporation for all monies they may have expended in purchasing, making, repairing and taking care of said road, together with an interest thereon of twelve per centum per annum, and thereupon the right, interest and property of said road shall be vested in the people of this state, and be and remain at their disposal ; *Provided*, That if the said corporation shall not commence their operations upon said road within two years after passing this act, or shall not within five years afterwards complete the said road according to the true intent and meaning of this act, then and in either of these cases this act shall cease, be void and of no effect.

Corporation when to be dissolved.

Provida.

TWENTY-FOURTH SESSION. CHAP. XXXVI.

An ACT to establish a Turnpike Corporation for improving and making a Road from the Village of Newburgh, on Hudson's River, to Cochection, on the Delaware-River.

Passed 20th March, 1801.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That Robert Bowne, John De Wint, William Seymour, Johannes Miller, Levi Dodge, Hugh Walsh, George Clinton, junior, Jacob Powell, John M'Auley, Charles Clinton, William W. Sackett, Samuel M'Coun, George Gardner, and all such others as shall associate for the purpose of making a good and sufficient road, to run in the nearest, most convenient and direct route as far as circumstances will admit, from the village of Newburgh on Hudson's river, to Cochection on the Delaware-river, their successors and assigns, be and they hereby are created and made a body corporate and politic, by the name of "The president, directors and company of the Newburgh and Cochection turnpike road company," and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, com-

Persons herein named made a body corporate.

Style of the corporation.

Proviso.

Further
proviso.

Commission-
ers appointed
to perform
certain duties

Thirteen di-
rectors to be
chosen with
certain pow-
ers.

Who are to
elect a presi-
dent.

plaints, matters and causes whatsoever ; and they and their successors by the same name and style, shall be in law capable of purchasing, holding and conveying any estate real and personal, for the use of the said corporation ; *Provided*, That the amount of the real estate which the said corporation are hereby authorized to purchase and hold, shall not exceed twelve thousand dollars ; *And provided further*, That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and to no other purpose whatsoever.

II. *And be it further enacted*, That Robert Bowne, John De Wint, Johannes Miller and William Seymour, be and they are hereby appointed commissioners, to do and perform the several duties hereinafter mentioned, that is to say : They shall on or before the first day of June next, procure four books, and in each of them enter as follows : " We whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay to the president, directors and company of the Newburgh and Cochection turnpike road, the sum of twenty-five dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportion, and at such time and place as shall be determined by the said president, directors and company ;" one of which books shall be left with each of the said commissioners at their respective places of abode, who shall immediately open the same, and keep the same open for the purpose of receiving subscriptions ; and every subscriber, shall at the time of subscribing, pay unto either of the said commissioners three dollars for each share so by him subscribed ; and the said commissioners, shall as soon as five hundred shares are subscribed, cause an advertisement to be inserted in one of the public newspapers printed in the city of New-York, and also in the paper printed in Newburgh or Goshen, giving at least ten days notice of the time and place when and where the said subscribers shall meet to choose thirteen directors, who shall be stockholders, for the purpose of managing the concerns of the company for one year, and the said directors shall be chosen by ballot by the stockholders then present ; and the day of choosing the said directors shall for ever thereafter be the anniversary day for choosing directors ; and any seven of the said directors shall be a quorum, and capable of transacting the business of the said corporation ; and every act of a majority of the directors so met shall be binding on the said corporation ; and the said directors, elected by a plurality of the stockholders present, shall immediately proceed to elect by ballot one of their number for president ; and the said president and directors may meet from time to time at such place as they may find expedient and direct, and they shall have power to make such bye-laws, rules,

orders and regulations, not inconsistent with the constitution and laws of this state or of the United States, as they shall deem necessary for the well ordering the affairs of the said corporation ; *Provided*, That at the election of directors the stockholders not present may vote by proxy for directors ; and each stockholder shall be entitled to one vote for every share he shall hold under the number of ten shares, and one additional vote for every ten shares he shall hold above the number of ten shares.

Proviso.

Votes how apportioned.

III. *And be it further enacted*, That in case of the death, absence or inability of the president, a quorum of the directors met may choose or appoint a president *pro tempore*, and shall and may proceed and transact the business of the said corporation in like manner as if the president were present with them.

Vacancies how to be filled.

IV. *And be it further enacted*, That the said president and directors may continue to receive subscriptions to the stock of the said corporation until there shall have been three thousand two hundred shares subscribed, and shall have power to appoint such officers, agents, clerks, artists workmen and others under them as shall be necessary for executing the business of the said corporation.

Shares limited, &c.

V. *And be it further enacted*, That the said corporation, by the president and directors, or by any agent, superintendent, artist or other person or persons employed in their service, may enter into and upon any land where they shall deem it proper to construct the said road, and to lay out and survey such tracts or routes as shall be deemed most practicable for making a good and sufficient road between the places aforesaid ; and the said president and directors may contract and agree with the owners of the said land for the purchase of so much thereof as shall be necessary for the purpose of making the said road and for erecting and establishing gates, toll-houses, and all other works to the said road belonging ; and in case of disagreement between the said parties with respect to the value of the land so as aforesaid to be laid out, and the damages, if any, to be done to the land, or if the owner or owners shall be *femes covert*, insane, under age, or out of the county, then and in either such case, it shall and may be lawful for the said president and directors to apply to one of the judges or assistant justices of the court of common pleas in and for the county where such lands shall be situated, not interested in said road, who is hereby authorized and required to nominate, and by an instrument in writing signed by him, to appoint three commissioners, being freeholders of the said county, and who shall not be inhabitants of any of the towns through which the said road shall pass ; and it shall be the duty of the said president and directors to give notice to the said commissioners of their appointment, who, or any two of them, shall there-

Certain powers of the president and directors in laying out said road.

Three commissioners to be appointed.

Duty of said president and directors, together with said commissioners.

Commissioners to take an oath.

Lands to be paid for before entry thereon.

Road not to be laid thro' a garden.

upon name a day for meeting on the land, and performing the duties required of them by this act, which day shall not be more than ten nor less than four days from such notice of their appointment; and the said president and directors shall give at least four days notice to the owner or owners of such land, of the time when and place where the said commissioners will meet for the purpose of viewing the land and assessing the damages, except in case the owner or owners shall labour under any of the disabilities aforesaid or be absent, in either of which cases a copy of such notice may be left at the dwelling house, if any, of the party, or other notorious place on the land through which the said road shall pass; *And further*, Each of the said commissioners, shall before he proceed to exercise the trust reposed in him by this act, take and subscribe an oath or affirmation in writing before one of the justices of the peace in and for the county where he shall be so appointed, that he will, without favour or partiality, estimate and assess the damages which may be sustained by the owner or owners of the land or improvements which the said corporation may deem necessary to take and appropriate for said road; and the said commissioners shall then proceed to view the premises, and having ascertained and determined the damages, shall make an inquisition under their hands and seals, or under the hands and seals of any two of them, describing the land and stating the amount of the damages, if any, which each or any of the owner or owners of any parcel of land used or to be used for such road have sustained, or will sustain, which inquisition shall be acknowledged by the commissioners signing the same before one of the judges aforesaid, and then filed together with the affidavit aforesaid in the office of the clerk of the county where such lands shall be situated, within thirty days after such view shall be had and made by the said commissioners; and the said clerk, shall at the expense and costs of the said president, directors and company, enter the same of record in the book kept by him for recording of deeds, and the president and directors aforesaid paying to the said several owners of the said land the several sums so assessed and awarded by the said inquisition, shall and may have and hold to them, their successors and assigns for ever, the lands and tenements described therein; *Provided*, That nothing in this act contained, shall be construed to authorize the said president and directors to enter upon such land, and thereon make the said road, until they shall have paid or tendered the value of such land, together with such damages as may be agreed upon or appraised according to the provisions of this act; *And provided also*, That nothing in this act shall be construed to authorize the said president and directors to make the said road through any garden

without the consent of the owner, if such garden shall have been cultivated as such at least ten years before such road shall be laid out ; and the said president and directors shall pay to the judge or assistant justice who appoints the commissioners as aforesaid, one dollar and fifty cents for his services, and to each of the said commissioners for every day necessarily attending to perform the duties required of them by this act, two dollars and fifty cents.

Compensation
to judges and
commission-
ers.

VI. *And be it further enacted,* That it shall and may be lawful to and for the president, directors and company of the said corporation, and their superintendents, artists, workmen, labourers and servants, with carts, waggons and other carriages, with their beasts of draft and burthen, and all necessary tools and implements, to enter upon the land contiguous or near to the said road, first giving notice of such intention to the owners or occupants thereof, and doing as little damages thereto as possible, and repairing any breaches they may make in the inclosures thereof, and making amends for any damage which may be sustained by the owners or occupants of such ground or improvements, by appraisement, in manner hereinafter directed, or upon a reasonable agreement of the owners or occupants, if they can agree, or if they cannot agree, then upon an appraisement to be made upon the oath or affirmation of two, or if they disagree, of three indifferent freeholders, to be mutually chosen, or if the owners or occupants neglect or refuse to join in the choice, to be appointed by any justice of the peace of the county where such occupants reside, and on tender of the appraised value, to take any stone, gravel, earth or sand, being most conveniently situated and requisite for making or repairing the said road and turnpike, and to use the same in carrying on the said work ; and the said president, directors and company, their servants and workmen, shall be acquitted from and freed from responsibility for or on account of any such injury.

Further pow-
ers of said
corporation.

VII. *And be it further enacted,* That the said president, directors and company shall cause a road to be laid out not less than four rods and not exceeding six rods wide, sixteen feet at least of which shall be bedded with wood, stone, gravel or other hard substance, well compacted together a sufficient depth to secure a good and solid foundation to the same, and the said road shall be faced with gravel or stone pounded, or other small hard substance, in such manner as to secure a firm and as near as the materials will admit an even surface, rising towards the middle by a gradual arch, and they shall during the continuance of this act, maintain and keep the said road in good order, from Newburgh aforesaid to Cochection aforesaid.

Road how to
be laid out
and made.

Governor
when to per-
mit gates to
be erected.

VIII. *And be it further enacted*, That as soon as the said president, directors and company shall have completed the said road, or ten miles thereof from the village of Newburgh aforesaid, it shall be lawful for the said president and directors to give notice to the governor of this state for the time being, who shall thereupon forthwith nominate and appoint three commissioners to view the same, and report to him in writing whether such part of the said road is completed in a workmanlike manner according to the true intent and meaning of this act ; and if the report shall be in the affirmative, then it shall be the duty of the governor to whom they report, and he is hereby required by licence under his hand and the privy seal of this state to permit the said president and directors to erect and fix so many gates and turnpikes upon and across said road, as will be necessary and sufficient to collect the duties and tolls hereinafter granted to the said corporation from all persons travelling on or using the same ; *Provided*, That such gates and turnpikes, except the first gate which shall be at the distance of not less than six miles from the village of Newburgh, and the turnpike or gate on the bridge hereinafter mentioned, shall be erected at a distance not less than ten miles from each other.

Proviso.

A gate and
turnpike may
be erected
and toll de-
manded on
the comple-
tion of a
bridge over
the Wallkill.

IX. *And be it further enacted*, That as soon as the said president, directors and company shall have completed the bridge over the Wallkill, where the said road shall pass the same, it shall and may be lawful for the said president, directors and company to erect a gate and turnpike upon and across said bridge, and to ask, demand and receive of and from all and every person and persons who shall pass over and use the said bridge, one half of the tolls and duties as hereinafter granted to the said corporation for every ten miles of the said road ; *Provided*, Those inhabitants who reside within five miles of the said bridge on either side, shall be allowed to compound with the said president and directors by the year for passing and using said bridge.

Proviso.

Toll-gather-
ers when to
be appointed.

X. *And be it further enacted*, That as soon as the whole or any part of the said road shall be completed and permission so as aforesaid granted to erect a gate or gates upon and across the same, it shall and may be lawful for the said president and directors to appoint toll-gatherers, to collect and receive of and from all and every person or persons using the said road at either of the gates (except the gate at and across the bridge aforesaid) the tolls and duties hereinafter mentioned, and no more, that is to say : Any number of miles not less than ten in length of the said road, the following sums of money, and so in proportion for any greater or less distance, or for any greater or less number of sheep, hogs, cattle, horses or mules, as follows : For every score of sheep or hogs, eight cents ; for every score of cattle, horses or mules, twenty cents ; for

Rates of toll.

every horse and rider, led or driven horse, five cents ; for every sulkey, chair or chaise with one horse, twelve and a half cents ; for every cart drawn by one horse, six cents ; for every chariot, coach, coachee or phaeton, twenty-five cents ; for every stage-waggon or other four wheel carriage, drawn by two horses, mules or oxen, twelve and a half cents, and three cents for every additional horse, mule or ox ; for every cart drawn by two oxen, twelve and a half cents, and for every additional horse or ox, three cents ; for every sleigh or sled, six cents, if drawn by two horses or oxen, and in like proportion if drawn by a greater or less number of horses or oxen ; and it shall be lawful for any of the toll-gatherers to stop and detain any person riding, leading or driving any horse, cattle, sheep or hogs, sulkey, phaeton, chair, chaise, cart, waggon, sleigh or other carriage of burthen or pleasure, from passing through the gates or turnpikes, until they shall respectively have paid the toll as above specified ; *Provided*, That nothing in this act shall be construed to entitle the said corporation to demand toll of or from any person passing to or from public worship on Sunday, or to or from his common business on his farm, or to or from any mill to which he may resort for the grinding of grain for his family use, or persons going to or returning from a funeral.

XI. *And be it further enacted*, That the said corporation shall cause mile-stones to be erected one for each mile of the said road, and on each stone shall be fairly and legibly inscribed or marked the distance the said stone is from Newburgh ; and shall also erect guide-posts at the intersection of all public roads leading into or from the said turnpike, on which shall be inscribed the name of the town in which such post stands and also the name of the town or towns to which such intersecting road leads in the direction to which the hand on the same points ; and the said corporation shall cause to be affixed at or over each gate or turnpike, a printed list of the rates of toll which may be lawfully demanded.

Mile-stones and guide-posts to be erected.

Lists of toll to be affixed to each gate.

XII. *And be it further enacted*, That if any person or persons shall break or throw down, deface or injure any of the mile-stones or guide-posts so to be erected for the information of travellers, or shall dig up and attempt to spoil any part of the said road, or shall cut, break down or destroy any or any part of the gates or turnpikes or other works belonging to the said road which shall be made or erected in pursuance of this act, or shall forcibly pass any or either of the said gates or turnpikes without having paid the legal toll at each gate or turnpike, such and every such person and persons shall for every such offence or injury, forfeit and pay a fine of twenty-five dollars, to be recovered by the treasurer of the said corporation to their use in an action of debt, with costs of suit, in any court

Penalty on persons injuring or defacing mile-stones, &c.

having cognizance of the same ; and if any person or persons shall with his or their team or teams, carriage or horse turn out of said road to pass any or either of the gates on ground adjacent thereto and again enter on said road having passed the said gate or gates to avoid the payment of the toll due by this act, such person or persons shall forfeit and pay a fine not exceeding five dollars, to be recovered in like manner by the treasurer of the corporation to their use, with costs of suit.

Penalty on
toll-gatherers
for misconduct.

XIII. *And be it further enacted,* That if any toll-gatherer shall unreasonably delay or hinder any traveller or passenger at any of the gates, or shall demand and receive more toll than is by this act established, he shall for every such offence, forfeit and pay twenty-five dollars, to be recovered for the use of the person so unreasonably hindered or detained.

Shares deemed
personal
estate.

XIV. *And be it further enacted,* That the shares in the said turnpike road shall be taken, deemed and considered to be personal estate, and be transferable in such manner as the said president and directors may direct.

President and
directors au-
thorised to
take away
one or more
gates and
turnpikes.

XV. *And be it further enacted,* That it shall and may be lawful for the said president and directors, at any time after the completion of said road, to lessen the rate of toll or duties or to take away one or more of the gates and turnpikes ; *Provided,* Two-thirds of the stockholders shall agree thereto.

Accounts how
kept and div-
idends how
and when to
be declared
and paid.

XVI. *And be it further enacted,* That the president and directors of the said corporation shall keep a just and fair account of all monies received or to be received by the several collectors of toll on said road, and shall make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted) among the stockholders of the said corporation, and on the first Tuesday in January and July, in every year, shall publish the half yearly dividend of the clear profits to be made among the stockholders, and the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

Directors to
account with
the comptrol-
ler.

XVII. *And be it further enacted,* That the said president and directors, shall within six months after said road shall be completed, lodge in the comptroller's office of this state an account of the expenses thereof, and of the said bridge ; and the corporation shall annually exhibit to the comptroller a true account or dividend arising from said toll, with the annual disbursements on said road and bridge.

Directors
may demand
sums of mo-
ney subscrib-
ed.

XVIII. *And be it further enacted,* That it shall and may be lawful for the said president and directors to call and demand from the stockholders respectively all such sums of money by them subscribed or to be subscribed, at such times and in such proportions as they shall see fit, under

pain of forfeiture of their shares, and all the previous payments thereon, to the said president, directors and company.

XIX. *And be it further enacted*, That after the amount of the said number of three thousand and two hundred shares mentioned in and by the fourth section of this act, shall have been appropriated by the said president, directors and company for the purpose of making a good and sufficient road between the places aforesaid, and of erecting and finishing the said bridge, and the sum so appropriated shall be found insufficient to effect the same, it shall and may be lawful for the said president and directors, in order to complete the said road, bridge and turnpikes, to increase or raise the funds of the said corporation by adding a sum not exceeding ten dollars to each and every share in the whole stock, which sum so to be added shall be in an equal ratio upon each and every share to be collected and paid in manner aforesaid, subject on default of payment to the pains and forfeitures aforesaid.

And in case of deficiency of funds how the same to be increased.

XX. *And be it further enacted*, That the legislature may dissolve the said corporation when the income arising from the said toll shall have fully paid and compensated the said corporation for all monies they may have expended in purchasing, making, repairing and taking care of said road and bridge, together with an interest thereon of fourteen per centum per annum, and thereupon the right, interest and property of said road and bridge shall be vested in the people of this state, and be and remain at their disposal; *Provided*, That if the said corporation shall not commence their operations on said road within two years after the passing of this act, and shall not, within eight years afterwards complete the same according to the intent and meaning of this act, then and in either case this act shall cease and be void and of no effect.

Corporation when to be dissolved.

Proviso.

C H A P. XCII.

An ACT to establish a Turnpike Corporation for opening and improving a certain Road therein described, within the Counties of Oneida and Chenango.

Passed 30th March, 1801.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That Joseph Kirkland, David Norton, Joseph Dixon, James Glover, Jedediah Sanger, Amos Muzzy, Anson Carey, Peter B. Garnsey, Uri Tracy, Isaac Foote and Philip S. Parker, and all such persons as shall associate for the purpose of making a good and sufficient road from the dwelling house of Benjamin Wilsons in the town of Oxford, in the county of Chenango, the nearest and most direct route, as far as

Persons herein named and such others as may associate with them made a body corporate.

Style of the
corporation.

Proviso.

Further pro-
viso.

Commission-
ers appointed
to perform
certain duties

Proviso.

Twelve di-
rectors to be
chosen.

circumstances will admit of, through the towns of Norwich, Sherburne, Hamilton, Sangerfield and Paris, to intersect the Genesee turnpike road at or near the house of Jedediah Sanger, esquire, in Whitestown, shall be and hereby are created and made a corporation and body politic, in fact and in name, by the name of The president, directors and company of the Chenango turnpike road, and by that name they shall be capable in law to purchase, have, hold, enjoy and retain, to them and their respective successors, lands, tenements, hereditaments, goods, chattels and effects of every kind whatsoever, and the same or any part thereof to sell, grant, demise, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in courts of record, or any other places whatsoever; *Provided however*, That the amount of the real estate which the said corporation are hereby authorized to purchase and hold, shall not exceed three thousand five hundred dollars; *And provided further*, That such estate so to be purchased and held shall be necessary to fulfil the end and intent of the corporation hereby created and made, and to no other use, intent or purpose whatsoever.

II. *And be it further enacted*, That Benjamin Hovey, Isaac Foote, Oliver Norton, Elisha Payne and Josiah Stevens, be and they are hereby appointed commissioners, to do and perform the duties hereinafter mentioned, that is to say: They shall on or before the first Tuesday in June next procure five books, and in each of them enter as follows: "We whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay the president, directors and company of the Chenango turnpike road, the sum of twenty dollars for every share of stock set opposite to our respective names, in such manner and proportion, and at such time and place as shall be determined by the said president, directors and company; *Provided*, That no greater proportion of the said sum than one-third part shall be demanded in any one year;" one of which books shall be left with each of the said commissioners at their respective places of abode, who shall keep the same open for the purpose of receiving subscriptions; and every subscriber, shall at the time of subscribing, pay unto either of the said commissioners the sum of two dollars, for each share so subscribed as part of the said subscription, and the said commissioners shall as soon as three hundred shares have been subscribed, cause an advertisement to be inserted in one of the public newspapers within the county of Oneida, giving at least sixteen days notice of the time and place the said subscribers shall meet for the purpose of choosing twelve directors, who shall be stockholders, for the purpose of managing the concerns of said company for one year, and the day of choosing the

said directors shall for ever after be the anniversary day for choosing directors ; and any seven of the said directors shall be a quorum, and capable of transacting the business of said corporation ; and the said directors elected by a plurality of the votes of the stockholders present, shall immediately proceed to the choice of one of their number for president ; and that at every such election for directors as aforesaid, each stockholder shall be entitled to one vote for every share he may hold to the number of ten, and for every five shares over and above said number one vote and no more.

Who are to choose a president.

Shares how apportioned.

III. *And be it further enacted,* That the said president and directors may continue to receive subscriptions to the stock of said corporation until there shall be three thousand shares subscribed.

Amount of capital stock

IV. *And be it further enacted,* That the said corporation hereby created shall, except as is herein otherwise provided, have the like powers and privileges as by the act, entitled *An act to establish a turnpike corporation, for improving the road from the city of Hudson to the line of Massachusetts, on the road to Hartford,* passed March the twenty-ninth, one thousand seven hundred and ninety-nine, and the act amending the same, passed the twenty-eighth of March, one thousand eight hundred, are conferred on the corporation therein mentioned, and shall be subject to the like restrictions and regulations as the said last mentioned corporation is made subject to ; and shall make and improve the line of road directed by this act in like manner as is enjoined on the same corporation by the said recited act ; and also shall be entitled to have and receive the like rates of toll as are allowed to the corporation for improving the road from the house of John Weaver in Watervliet, to Cherry-Valley aforesaid.

Powers, privileges and restrictions of said corporation.

Manner in which said road shall be made.

Rates of toll.

C H A P. XCIV.

An ACT to establish a Turnpike Corporation for opening and improving a certain Road therein designated, within the Counties of Oneida and Chenango.

Passed 31st March, 1801.

I. **B**E *it enacted by the People of the State of New-York, represented in Senate and Assembly,* That John Lincklean, Jonathan Forman, Peter Smith, Samuel Sidney Breese, James Livingston junior, Elijah Risley, James Green, Charles Hill, David Cook, Jedediah Jackson, Joseph Black, Jedediah T. Turner, James Moore, Jonathan Dean, Daniel Petrie, Peter Marsh, Oliver Phelps, Arnold Ballow and Samuel Laird, and all such persons as shall associate for the purpose of making a good and sufficient

Persons here, in named and their associates made a body corporate.

Style of the
corporation.

Proviso.

Further
proviso.

Commission-
ers named.

Property and
concerns to
be managed
by nine di-
rectors.

road from the dwelling house of Jonathan Dean in the town of Augusta, county of Oneida, the nearest and most direct route, as far as circumstances will admit of, through the Oneida and Stockbridge reservations, by the north side of the dwelling house of James Livingston junior, in New-Petersburgh, and within five perches of the same to the dwelling house of John Lincklean, in the village of Cazenovia, county of Chenango, shall be and hereby are created and made a corporation and body politic, in fact and in name, by the name of The president, directors and company of the Oneida turnpike road, and that by that name they shall be capable in law to purchase, have, hold, enjoy and retain to them and their respective successors, lands, tenements, hereditaments, goods, chattels and effects of every kind whatsoever, and the same or any part thereof to sell, grant, demise, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in courts of record or any other place whatsoever ; *Provided however*, That the amount of the real estate which the said corporation are hereby authorized to purchase and hold, shall not exceed two thousand dollars ; *And provided further*, That such estate so to be purchased and held, shall be necessary to fulfil the end and intent of the corporation hereby created and made, and to no other use, intent or purpose whatsoever.

II. *And be it further enacted*, That Abraham Van Eps, Samuel S. Forman and William Sayles, be and they are hereby appointed commissioners, to do and perform the duties hereinafter mentioned, that is to say : They shall on or before the first Tuesday in April next procure three books, and in each of them enter as follows : " We whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay the president, directors and company of the Oneida turnpike road, the sum of twenty dollars for every share of stock set opposite to our respective names, in such manner and proportion, and at such time and place as shall be determined by the said president, directors and company ; *Provided*, That no greater proportion of the said sum than one-third part shall be demanded in any one year." One of which books shall be left with each of the said commissioners at their respective places of abode, who shall keep the same open for the purpose of receiving subscriptions, and every subscriber, shall at the time of subscribing, pay unto either of the said commissioners the sum of two dollars for each share so subscribed, as part of the said subscription, and the said commissioners shall as soon as three hundred shares have been subscribed, cause an advertisement to be inserted in one of the public newspapers printed within the county of Oneida, giving at least sixteen days notice of the time and

place the said subscribers shall meet for the purpose of choosing nine directors, who shall be stockholders, for the purpose of managing the concerns of said company for one year, and the day of choosing the said directors shall for ever after be the anniversary day for choosing directors, and any five of the said directors shall be a quorum, and capable of transacting the business of said corporation, and the said directors, elected by a plurality of the votes of the stockholders present, shall immediately proceed to the choice of one of their number for president ; and the said president and directors may meet from time to time, at such time and place as they may find expedient, and shall have power to make such bye-laws, rules, orders and regulations, not inconsistent with the constitution or laws of this state or of the United States, as shall be necessary for the well ordering the affairs of the said corporation ; and that at every such election for directors as aforesaid, each stockholder shall be entitled to one vote for every share of stock he may hold to the number of ten, and for every five shares over and above said number one vote, and no more.

5 of whom to be a quorum.

A president to be chosen.

Power of the said president and directors

III. *And be it further enacted,* That the said president and directors may continue to receive subscriptions to the stock of said corporation until there shall be one thousand five hundred shares subscribed, and shall have power to appoint such agents, clerks, workmen and others under them as shall be necessary for executing the business of the said corporation.

Duty of the president and directors in receiving subscriptions.

IV. *And be it further enacted,* That the said corporation, by the president and directors, or by any agent, superintendent, artist, or other person employed in their service, may enter into any land where they shall deem it proper to construct the said road, and to lay out and survey such routes or tracks as shall be most practicable for effecting a good and sufficient road between the places aforesaid ; and the said president and directors may contract with the owners of the said land for the purchase of so much thereof as shall be necessary for the purpose of making the said road, and for erecting and establishing gates, toll-houses, and all other works to the said road belonging, and with their carriages, beasts, tools and implements to enter in and upon any land contiguous to the said road, and to carry away any timber, stone, gravel, sand or other earth, being more conveniently situated for making or repairing said road, and to use the same for carrying on said work, the said president and directors paying the owner or owners of the said land so to be laid out as part of the road, such reasonable compensation for the same, or for materials as aforesaid, or other damages which such owner or owners may sustain in consequence thereof, as may be agreed on ; and in case of disagreement between the parties as to the

Further powers and privileges of the said president and directors.

Damages how ascertained.

amount of the damages, the same shall be determined by an appraisement to be made on oath of three, or if they disagree, of two disinterested freeholders, to be mutually chosen, or if the owners of said land or materials refuse or neglect to join in the choice, to be appointed by any justice of the peace of the county in which the lands or materials shall be, provided the said justice shall not be interested in the dispute.

Dimensions
and construc-
tion of the
road to be
laid out.

V. *And be it further enacted*, That the said president, directors and company shall cause the said road to be laid out four perches wide, and to be cleared of all timber, except trees for ornament, in the centre of which an arch to be formed twenty-six feet wide between the ditches, where ditches shall be necessary, twenty feet of which shall be bedded with sound wood, stone, gravel, or other hard substance, compacted together sufficiently to secure a solid foundation to the same, the said arch to be faced with gravel or other hard substance in such manner as to secure, as near as the materials will admit, an even surface, rising gradually towards the centre, so that the centre, when completed, may be at least eighteen inches higher than the sides, and shall over all streams cause good and sufficient bridges to be built at least eighteen feet wide ; and shall, during the continuance of this act, maintain and keep the said road and bridges in good order and repair.

Bridges to be
built.

Governor
when to per-
mit gates and
turnpikes to
be erected.

VI. *And be it further enacted*, That as soon as the said president, directors and company shall have completed of the said road ten miles, commencing at the house of Jonathan Dean aforesaid, then it shall be lawful for them to give notice thereof to the governor of this state, for the time being, who shall thereupon nominate and appoint two judicious persons to view the same, and report to him in writing whether the said road is so far executed and completed according to the true intent and meaning of this act, and if the report is in the affirmative, then it shall be lawful for the governor, and it is hereby made his duty, by licence under his hand and the privy seal of this state, to permit the said president, directors and company to erect one gate and turnpike across said road ; and when the whole road shall be completed, according to the true intent and meaning of this act, and after obtaining licence from the governor in manner aforesaid, it shall be lawful for the said president, directors and company to erect two other gates and turnpikes across the said road at such places as they may deem proper ; *Provided nevertheless*, That there shall not be more than three gates in the whole distance of the said road, nor the gates less than ten miles from each other.

Proviso.

Toll-gather-
ers when to
be appointed.

VII. *And be it further enacted*, That as soon as the whole or any part of the said road shall be completed

and permission to erect a gate or gates as aforesaid be granted, then the said president and directors may appoint toll-gatherers to collect and receive of and from all and every person or persons using the said road, the following sums of money at each and every of the said gates, viz. For every score of sheep or hogs, twenty-five cents ; for every score of cattle, horses or mules, thirty-seven and an half cents, and so in proportion for any greater or less number of sheep, hogs, cattle, horses or mules ; for every horse and rider or led horse, six cents ; for every sulkey, chair or chaise with one horse, twenty-five cents ; for every cart drawn by one horse, seven cents ; for every chariot, coach, coachee or phaeton, thirty-seven and an half cents ; for every stage-waggon or other four wheeled carriage, drawn by two horses, mules or oxen, fifteen cents, and two cents for every additional horse, mule or ox ; for every cart drawn by two oxen, fifteen cents, and for every additional horse, mule or ox, two cents ; for every sleigh or sled drawn by one horse or mule, six cents ; for every sleigh or sled drawn by two horses, mules or oxen, nine cents, and two cents for every additional horse, mule or ox ; and it shall be lawful for any of the toll-gatherers to stop any person riding, leading or driving any horse, cattle, sheep or hogs, sulkey, chair, phaeton, waggon, sleigh or other carriage of burthen or pleasure, from passing through any of the said gates or turnpikes until they shall have respectively paid the toll as above specified ; *Provided however*, That the president and directors may from time to time make agreements with persons living contiguous to said road for the use of the same by paying the said president, directors and company such compensation by the month as shall be agreed on, but that no such agreement shall be for more than one year from the date thereof, and every such agreement shall be in writing ; *And provided further*, That the said president and directors shall not demand toll from any person or persons for passing and re-passing the said gates and turnpikes going to or returning from meeting, mill or their ordinary business.

Rates of toll.

Toll gatherers may stop persons not paying toll.

Persons may compound for toll in certain cases.

Proviso.

VIII. *And be it further enacted*, That the said corporation shall cause mile-stones or posts to be erected or placed one for each and every mile of the said road, and on each stone or post placed as aforesaid, shall be legibly marked the distance the same is from the village of Cazenovia, and shall also erect guide-posts at the intersection of all roads leading into and from the said turnpike, to which post-boards shall be attached, on which shall be inscribed the name of the town in which the same stands and the name of the town or towns to which the road leads in the direction to which the hand-board points ; and the said corporation shall also cause to be affixed to each gate or turnpike a printed or painted list of the rates of toll which may be lawfully demanded.

Mile-stones and guide-posts to be erected.

Rates of toll to be affixed to each gate.

Penalty for
defacing the
mile-stones,
&c.

Persons turn-
ing out of said
road and en-
tering there-
on again to
avoid the toll
how dealt
with.

Penalty on
toll-gatherers
for neglect of
duty.

Shares deem-
ed personal
property.

Accounts how
kept and div-
idends how
and when to
be declared
and paid.

Directors to
account with
the comptrol-
ler.

IX. And be it further enacted, That if any person or persons shall break or throw down or deface any of the mile-stones or posts, guide-posts or boards so erected for the information of the good people of this state, or shall cut, break down or destroy any of the gates or turnpikes which shall be erected in pursuance of this act, or shall forcibly pass the same without having paid the legal toll at such gate or turnpike, such person or persons shall pay a fine not exceeding ten dollars nor less than two dollars, to be recovered by the treasurer of the corporation, to their use, in an action of trespass ; and if any person shall with his team, carriage or horse turn out of said road to pass the said gates on ground adjacent thereto, and again enter on said road, with intent to avoid the toll due by virtue of this act, such person shall forfeit and pay three times as much as the legal toll would have been for any such person in passing through said gate, to be recovered by the treasurer of the said corporation, or by the toll-gatherer at such gate or turnpike, for the use of the said corporation, in an action of debt.

X. And be it further enacted, That if any toll-gatherer shall unreasonably hinder or delay any traveller or passenger at any of the said gates, or shall demand or receive more toll than is by this act established, he shall for every such offence forfeit and pay the sum of two dollars, to be prosecuted for and recovered before any justice of the peace in the county where such offence shall be committed, for the sole use of the person so unreasonably detained or attempted to be defrauded.

XI. And be it further enacted, That the shares in the said corporation shall be taken, deemed and considered to be personal estate, and shall and may be transferable, and the transfers of the said shares shall be made and entered on the books of the said president, directors and company.

XII. And be it further enacted, That the president and directors of the said corporation shall keep a just and fair account of all monies received by the several collectors of toll on said road, and shall make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted) amongst all the stockholders of the said corporation, and shall on the second Tuesday in January and July in every year, publish the half yearly dividend to be made of the said clear profits among the stockholders, and of the times and places when and where the same will be paid, and shall cause the same to be paid accordingly.

XIII. And be it further enacted, That the said president and directors shall within six months after the said road is completed lodge in the comptroller's office of this state an account of the expense thereof ; and the corpora-

tion shall annually exhibit to the comptroller a true account of all the income arising from said toll with the annual disbursements on said road.

XIV. *And be it further enacted*, That the legislature may dissolve the said corporation when the income arising from said toll shall have fully compensated the said corporation for all monies they may have expended in purchasing, making, repairing and taking care of said road, together with an interest thereon of fourteen per centum per annum, and thereupon the right, interest and property of said road shall be vested in the people of this state, and be and remain at their disposal ; *Provided*, That if the said corporation shall not commence their operations on the said road within one year after passing of this act, or shall not within five years afterwards complete the same according to the true intent and meaning of this act, then and in either of these cases this act shall cease, be void and of no effect.

Corporation when to be dissolved.

Provido.

C H A P. CXVIII.

An ACT to establish a Turnpike Corporation for improving the Road from New-Lebanon to the City of Hudson.

Passed 3d April, 1801.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That Thomas Jenkins, Elisha Williams, Robert Jenkins, Stephen Hogeboom, Giles Frary, James Van Denbergh, Henry Malcolm, Thomas Parkman and William Ashley, and all such persons as shall associate for the purpose of making a good and sufficient road from the turnpike road near the meeting house in the village of New-Lebanon in the town of Canaan, in the nearest and most direct route, as far as circumstances will admit, passing near John C. Hogeboom's in Claverack, to the turnpike road near the house of Ezekiel Gilbert in the city of Hudson, shall be and hereby are created and made a corporation and body politic, in fact and in name, by the name of "The president, directors and company of the Union turnpike road," and that by that name they shall be capable in law to purchase, have, hold, enjoy and retain to them and their respective successors, lands, tenements and hereditaments, goods, chattels and effects of every kind whatsoever, and the same or any part thereof to use, grant, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any courts of record, or any other place whatsoever ; *Provided however*, That the amount of the real estate which the said corporation are hereby authorized to purchase and hold, shall not exceed three thousand dollars ; *And provided fur-*

Persons herein named and those who shall associate with them made a body corporate.

Style of the corporation.

Provido.

Further proviso.

ther, That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the corporation hereby created and made, and to no other use, intent or purpose whatsoever.

Commissioners appointed and their duty.

II. *And be it further enacted*, That Robert Jenkins and Elisha Williams, be and they are hereby appointed commissioners, to do and perform the several duties hereinafter mentioned, that is to say : They shall on or before the first day of May next procure two books, and in each of them enter as follows : " We whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay to the president, directors and company of the Union turnpike road, the sum of twenty-five dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportion, and at such time and place as shall be determined by the said president, directors and company ;" and every subscriber shall at the time of subscribing, pay unto either of the said commissioners the sum of ten dollars for each share so subscribed ; and the said commissioners shall as soon as one thousand shares have been subscribed, cause an advertisement to be inserted in the public newspaper printed in Hudson, giving at least ten days notice of the time and place the said subscribers shall meet for the purpose of choosing five directors, who shall be stockholders, for the purpose of managing the concerns of the said company for one year, and the day of choosing the said directors shall thereafter be the anniversary day of choosing directors ; and the directors elected by the votes of the stockholders shall immediately proceed to the choice of one of their number for president ; and the said president and directors shall and may meet from time to time at such time and place as they may by their bye-laws direct, and shall have power to make such bye-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state or of the United States, as shall be necessary for the well ordering of the affairs of the said corporation ; *Provided*, That at the election of directors every person shall have a number of votes equal to the number of shares owned by such person, if such number shall not exceed fifty, and one vote for every three shares owned by such person exceeding fifty.

Thirteen directors to be chosen,

Who shall choose a president.

Provido.

Stock limited to 2000 shares &c.

III. *And be it further enacted*, That the said president and directors may continue to receive subscriptions to the stock of the said corporation until there shall be two thousand shares subscribed ; and they shall have power to appoint such officers, agents, clerks, artists, workmen and others under them as shall be necessary for executing the business of said corporation.

Powers and privileges of said corporation.

IV. *And be it further enacted*, That the said corporation, by the president and directors, or by any agents, su-

perintendents, artists or other persons employed by them, may enter into any lands where they may deem it proper to construct said road, and to lay out, survey and labour on such routes or tracts as shall be most eligible for a good and sufficient road between the places aforesaid, and contract with the owners for the purchase of so much thereof as may be necessary for making said road and erecting and establishing gates, toll-houses and all other works to the said road belonging, and with their carriages, beasts, tools and implements, to enter in and upon any land contiguous to the said road, and to carry away timber, stone, gravel, sand or other earth, being more conveniently situated for making or repairing said road, and to use the same for carrying on said work, the said president and directors paying the owner or owners of such land or materials the value thereof; and in case of disagreement between the parties respecting the damages to be done to the said land, or value of said materials, or if the owner or owners shall be *femes covert*, insane, under age or out of the county, then it shall and may be lawful for the said president and directors to apply to one of the judges or assistant justices of the court of common pleas in and for said county of Columbia, not interested in said road, who is hereby authorized and required to nominate, and by an instrument in writing signed by him, to appoint three commissioners, being freeholders of the county, and who shall not be inhabitants of any of the towns through which said road shall pass; and it shall be the duty of the said president and directors to cause a copy of such appointment to be served on each of the said commissioners, who shall thereupon name a day for meeting on the said lands and perform the duties required of them by this act, and also to give notice to the owner or owners of such lands of said appointment and the day, being at least four days from the time of giving such notice, when and where the commissioners will meet, for the purpose of examining the lands and assessing the damages, except in case the owner or owners shall labour under any of the disabilities aforesaid, or be out of the county, in either of which cases a copy of such notice may be left at the dwelling house of the party, if any, or other notorious place on the land through which the said road will pass; *And further*, Each of the said commissioners shall before he proceeds to exercise the trust reposed in him by this act, take and subscribe an oath before one of the justices of the peace in and for the said county, that he will without favour or partiality, estimate and assess the damages which may be sustained by the owner or owners of any lands or improvements or materials which the said corporation may deem necessary for the said road, and the commissioners shall then proceed to view the premises, and having determined the damages, shall make an in-

Commission-
ers to be ap-
pointed to as-
sess damages.

Who shall
severally take
an oath.

Duty of the
county clerk.

Compensation
to the judge
and to said
commission-
ers.

Dimensions
and construc-
tion of said
road.

Governor
when to per-
mit gates to
be erected.

quisition under their hands and seals, or the hands and seals of any two of them, stating the amount of damages, if any, which each or any of the owner or owners of any parcel of land used or to be used for said road, shall have sustained or shall sustain, which inquisition shall be acknowledged by the commissioners signing the same, before one of the judges aforesaid, and filed together with the oath aforesaid, in the office of the clerk of the county of Columbia, who shall at the expense, costs and charges of the president and directors aforesaid, enter the same of record in the book kept by him for recording deeds, and the said corporation paying or tendering to the several owners of said lands the several sums awarded in the inquisition, shall have and hold to them, their successors and assigns for ever, the lands and tenements described therein; and the president and directors aforesaid shall pay to the judge who made the appointment of said commissioners, two dollars for his services, and to each of the said commissioners for every day necessarily attending the duties required of them by this act, two dollars and fifty-cents; that the said president, directors and company shall cause a road to be laid out not less than four nor more than six rods wide, not less than twenty feet of which shall be bedded with wood, stone, gravel or any other hard substance, compacted together a sufficient depth to secure a solid foundation to the same; and the said road shall be faced with gravel or other hard substance, in such manner as to secure, as near as the materials will admit, an even surface, rising towards the middle by a gradual arch, and that there shall be ditches on each side of the said road, one whereof shall be of sufficient width and so constructed, where the ground will admit thereof, as that sleighs may travel therein, and they shall, during the continuance of this act, maintain and keep the same in good order.

V. *And be it further enacted*, That the said president, directors and company shall be authorized to erect and fix four gates or turnpikes upon and across said road, in the manner hereinafter directed; and as soon as the said president, directors and company shall have completed nine miles of the said road from the southwest end thereof, they may give notice thereof to the governor of this state, who shall thereupon forthwith nominate and appoint three skilful and judicious persons, who shall at the expense of the corporation view the same, and report to him in writing whether the said road is so far executed in a masterly and workmanlike manner, according to the true intent and meaning of this act, and if their report be in the affirmative, then it shall be lawful for the governor, by licence under his hand and the privy seal of the state, to permit and suffer the said president, directors and company to erect and fix one gate or turnpike upon and across

said road near the Claverack-creek, for the purpose of collecting the tolls and duties hereinafter granted to the said corporation from all persons travelling the same; *And further*, Whenever the said president, directors and company shall have completed a further distance of nine miles of the said road, and so on progressively until the whole route shall be completed, on giving notice as aforesaid to the governor of this state, and on like view, approbation, report and licence as aforesaid, it shall be lawful for the said president and directors to erect and fix upon and across said road other gates or turnpikes as aforesaid, the second whereof at not less than nine miles from the gate herein first mentioned, the third not less than nine miles from the second, and the fourth after the whole road is completed at such place as shall to the president and directors appear most eligible; and the said president and directors may appoint toll-gatherers to collect and receive at either of the three first mentioned gates or turnpikes, from all and every person or persons using said road, the following toll or sums of money, viz. For a score of cattle, and in that proportion for a greater or less number, passing through either of said gates, eighteen cents; for a score of hogs or sheep, and in that proportion for a greater or less number, five cents; for a horse and rider, a led or driven horse or mule, four cents; for a sulkey, chair or chaise and one horse, ten cents, and for each additional horse, two cents; for a coach, coachee, chariot, phaeton or other four wheel pleasure carriage, eighteen cents; for every stage-coach or waggon, sixteen cents; for every waggon or cart drawn by two horses or two oxen, ten cents; and for every additional horse or ox, one cent; for every sleigh or sled drawn by two horses or oxen, four cents, and for every additional horse or ox, one cent each; for every other carriage, four cents; *And further*, It shall be lawful for the said president and directors to take and receive at the said fourth gate half the toll allowed to be taken at the three other gates, and no more; and it shall be lawful for any of the toll-gatherers at the respective gates to stop any person riding, leading or driving any horse, cattle, sheep or hogs, sulkey, phaeton, chair, cart, waggon, sleigh or other carriage of burthen or pleasure, from passing through such gate or turnpike until they shall respectively have paid the toll as above specified; *Provided*, That nothing in this act shall be construed so as to entitle the said corporation to demand or receive toll of or from any person passing to or from public worship, or to or from his common business on his farm, or to or from any mill to which he may resort for the grinding of grain for his family use, or going to or returning from a funeral.

Toll-gatherers to be appointed.

Rates of toll.

Authority to the said toll-gatherers in the premises.

Proviso.

Mile-stones to be erected and lists of toll put up.

VI. *And be it further enacted,* That the said corporation shall cause mile-stones to be placed on one side of said road in its whole extent, whereon it shall be marked in legible characters the respective number of miles from the city-hall of the city of Hudson; and also shall cause to be affixed up in a conspicuous place at each gate or turnpike a printed list of the rates of toll.

Penalty for defacing the mile-stones, &c.

VII. *And be it further enacted,* That if any person or persons shall break, throw down or deface any of the mile-stones erected as aforesaid, or shall cut, break down or destroy any of the gates or turnpikes which shall be erected in pursuance of this act, or shall forcibly pass the same without having paid the legal toll at such gate or turnpike, such person or persons shall forfeit and pay a fine of twenty-five dollars, to be recovered by the treasurer of the corporation, to their use, in an action of debt, with costs of suit; and if any person shall with his team, carriage or horse turn out of said road to pass a gate or turnpike on ground adjacent thereto, and again enter on the said road with intent to avoid the toll due by virtue of this act, such person shall forfeit and pay for each offence the sum of ten dollars, to be recovered as aforesaid with costs of suit.

Persons evading the toll how to be dealt with.

Toll-gatherers for misconduct how dealt with.

VIII. *And be it further enacted,* That if any toll-gatherer shall unreasonably delay or hinder any traveller or passenger at any of the gates aforesaid, or shall receive more toll than is by this act established, he shall for every such offence forfeit and pay the sum of twenty-five dollars, to be prosecuted for and recovered for the sole use of the person so unreasonably hindered or defrauded.

Shares deemed personal property.

IX. *And be it further enacted,* That the shares in the said turnpike road shall be taken, deemed and considered to be personal estate, and be transferable in such manner as the president and directors shall direct.

Accounts how kept and dividends how and when to be declared and paid.

X. *And be it further enacted,* That the president and directors of the said corporation shall keep a just and fair account of all monies received by the collectors of toll on said road, and shall make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted) amongst all the stockholders of the said corporation, and shall on the second Tuesday in January and July in every year, publish the half yearly dividend to be made of the clear profits among the stockholders, and the times and places when and where the same will be paid, and shall cause the same to be paid accordingly.

Corporation to account with the comptroller.

XI. *And be it further enacted,* That the said president and directors, shall within six months after said road is completed, lodge in the comptroller's office of this state an account of the expense thereof; and the corporation shall annually exhibit to the comptroller of this state a true

account of all the income arising from said toll with the annual disbursements on said road.

XII. *And be it further enacted*, That the legislature may dissolve the said corporation when the income arising from said toll shall have fully compensated the said corporation for all monies they may have expended in purchasing, making, repairing and taking care of said road, together with an interest thereon of fourteen per centum per annum ; and thereupon the right, interest and property of said road shall be vested in the people of this state ; *Provided*, That if the said corporation shall not commence their operations on the said road within two years after passing this act, or shall not within six years complete the said road, according to the true intent and meaning of this act, then and in either of these cases this act shall cease, be void and of no effect.

Corporation when to be dissolved.

Provide.

XIII. *And be it further enacted*, That it shall be lawful for the said directors to call for and demand of and from the stockholders respectively, all such sums of money by them subscribed or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares and of all previous payments made thereon to the said president, directors and company.

Stockholders to pay the sums subscribed when called for under pain of forfeiture of their shares.

C H A P. CXIX.

An ACT to establish a Turnpike Corporation for improving the Road in the Town of Stephentown, in the County of Rensselaer.

Passed 3d April, 1801.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That John W. Schermerhorn, Abijah Bush, Henry Platt and William Douglass, and all such persons as shall associate for the purpose of making a good and sufficient road from the dwelling house of Henry Platt in the town of Stephentown, in the county of Rensselaer, in the nearest and most direct route, as far as circumstances will admit, till it intersects the Rensselaer and Columbia turnpike road at the dwelling house of John W. Schermerhorn, or between that house and the one of Abijah Bush, shall be and hereby are created and made a corporation and body politic, in fact and in name, by the name of "The president, directors and company of the Stephentown turnpike road," and that by that name, they shall be capable in law to purchase, have, hold, enjoy and retain to them and their respective successors, lands, tenements, hereditaments, goods, chattels and effects of every kind whatsoever, and the same or any part thereof to sell, grant, demise, alien.

Persons here in named and such others as may associate with them made a body corporate.

Style of the corporation.

Proviso.

Further proviso.

Commissioners appointed to perform certain duties

§ directors when to be elected.

Three of whom to be a quorum.

Who are to choose a president, and make bye-laws.

or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts of record, or any other place whatsoever ; *Provided however*, That the amount of the real estate which the said corporation are hereby authorized to purchase and hold, shall not exceed two thousand dollars ; *And provided further*, That such estate so to be purchased and held shall be necessary to fulfil the end and intent of the corporation hereby created and made, and to no other use, intent or purpose whatsoever.

II. *And be it further enacted*, That William Douglass, John W. Schermerhorn and Henry Platt, be, and are hereby appointed commissioners, to do and perform the several duties hereinafter mentioned, that is to say : They shall on or before the first day of June next procure three books, and in each of them enter as follows : " We whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay the president, directors and company of the Stephentown turnpike road, the sum of ten dollars for every share of the stock in the said company set opposite to our respective names, in such manner and proportion, and at such time and place as shall be determined by the said president, directors and company ; " one of which books shall be left with each of the said commissioners at their respective places of abode, who shall keep the same open for the purpose of receiving subscriptions, and every subscriber shall at the time of subscribing, pay unto either of the said commissioners the sum of one dollar for each share so subscribed ; and the said commissioners shall as soon as three hundred shares have been subscribed, cause an advertisement to be inserted in one of the public newspapers printed in the city of Albany, giving at least fifteen days notice of the time and place the said subscribers shall meet for the purpose of choosing five directors, who shall be stockholders, for the purpose of managing the concerns of the said company for one year, and the day of choosing the said directors shall forever thereafter be the anniversary day for choosing directors, and any three of the said directors shall be a quorum, and capable of transacting the business of the said corporation, and every act of a majority of the said directors so met, shall be binding on the said corporation ; and the said directors, elected by a plurality of the votes of the stockholders present, shall immediately proceed to the choice of one of their number for president ; and the said president and directors may meet from time to time, at such time and place as they may find expedient and necessary, and shall have power to make such bye-laws, rules, orders and regulations, not inconsistent with the constitution or laws of this state or of the United States, as shall be necessary for the well ordering the affairs of the

said corporation ; *Provided*, That no person shall have more than twenty votes, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held under the said number. Proviso.

III. *And be it further enacted*, That the said president and directors may continue to receive subscriptions to the stock of the said corporation until there shall be eight hundred shares subscribed, and shall have power to appoint such agents, clerks, workmen and others under them as shall be necessary for executing the business of the said corporation. Shares limited to 800.

IV. *And be it further enacted*, That the said corporation, by the president and directors, or by any agent, superintendent, artist, or other person employed in their service, may enter into any land where they shall deem it proper to construct the said road, and to lay out and survey such routes or tracks as shall be most practicable for effecting a good and sufficient road between the places aforesaid ; and the said president and directors may contract with the owners of the said land for the purchase of so much thereof as shall be necessary for the purpose of making the said road, and for erecting and establishing a gate, toll-house, and all other works to the said road belonging, and with their carriages, beasts, tools and implements to enter in and upon any land contiguous to the said road, and to carry away any timber, stones, gravel, sand or other earth, being more conveniently situated for making or repairing said road, and to use the same for carrying on said work, the said president and directors paying the owner or owners, of the land so to be laid out as part of the road, the value of the land or the materials aforesaid as the case may be, together with such reasonable sum for damages as may be agreed on ; and in case of disagreement between the parties as to the said value or damages, the same shall be determined by an appraisement to be made on oath of three, or if they disagree, of two indifferent freeholders, to be mutually chosen, or if the owners of said land or materials refuse or neglect to join in the choice, to be appointed by any justice of the peace of the county in which the lands or property shall be ; *Provided*, The said justice shall not be interested in the said dispute. Powers of said corporation in laying out the road.

V. *And be it further enacted*, That the said president, directors and company shall cause a road to be laid out at least four rods wide, twenty-four feet of which shall be bedded with wood, stone, gravel or any other hard substance, compacted together a sufficient depth to secure a solid foundation to the same, and the said road shall be faced with gravel or other hard substance in such manner as to secure, as near as the materials will admit, an even surface, rising towards the middle by a gradual arch, and In case of disagreement between the parties appraisers to be chosen.

Road how to be laid out, constructed and made.

they shall during the continuance of this act, maintain and keep the same in good order from the said Henry Platt's to the intersection of the Rensselaer and Columbia turnpike road aforesaid.

Gate and
turnpike
when to be
erected.

VI. *And be it further enacted,* That as soon as the said president, directors and company shall have completed the said road, then it shall be lawful for the president, directors and company to give notice to the governor of this state, who shall thereupon forthwith nominate and appoint two or three judicious persons to view the same, and report to him in writing whether the said road is so far executed in a workmanlike manner, according to the true intent and meaning of this act ; and if the report is in the affirmative, then it shall be lawful for the governor, and it is hereby made his duty, by licence under his hand and the privy seal of this state, to permit the said president, directors and company to erect one gate and turnpike across said road, in such part thereof as they shall think proper, and receive the toll at the rates hereinafter mentioned.

Toll-gather-
ers to be
appointed.

VII. *And be it further enacted,* That as soon as said road shall be completed and permission to erect a gate as aforesaid be granted, the president and directors may appoint a toll-gatherer to collect and receive of and from all and every person or persons using the said road the tolls and duties hereinafter mentioned, and no more, that is to

Rates of toll.

say : For every score of sheep, six cents ; for every score of hogs, six cents ; for every score of cattle, horses or mules, eighteen cents, and so in proportion for any greater or lesser number of sheep, hogs, cattle, horses or mules ; for every horse and rider or led horse, four cents ; for every sulkey, chair or chaise with one horse, ten cents ; for every cart drawn by one horse, four cents ; for every chariot, coach, coachee or phaeton, twenty-two cents ; for every stage-waggon or other four wheel carriage, drawn by two horses, mules or oxen, ten cents, and two cents for every additional horse, mule or ox ; for every cart drawn by two oxen, ten cents, and for every additional horse or ox, two cents ; for every sled or sleigh, if drawn by two horses or oxen, six cents, and in like proportion if drawn by a greater or less number of horses or oxen ; and it shall be lawful for the toll-gatherer to stop any person riding, leading or driving any horse, cattle, sheep or hogs, sulkey, phaeton, coach, coachee, chair, chaise, cart, waggon, sleigh, or other carriage of burthen or pleasure, from passing through the gate or turnpike until they shall have respectively paid the toll as above specified ; *Provided,* That nothing in this act shall be construed so as to entitle the said corporation to demand or receive toll of or from any person passing to or from public worship, or to or from his common business on his farm, or to or from any mill.

Authority of
the said toll-
gatherers in
the premises.

Proviso.

VIII. *And be it further enacted,* That if any person or persons shall cut, break down or destroy the gate or turnpike which shall be erected in pursuance of this act, or shall forcibly pass the same without having paid the legal toll at such gate or turnpike, such person or persons shall forfeit and pay a fine not exceeding ten dollars, nor less than one, to be recovered by the treasurer of the corporation, to their use, in an action of trespass ; and if any person shall with his team, carriage or horse, turn out of said road to pass the said gate on ground adjacent thereto and again enter on the said road, with intent to avoid the toll due by virtue of this act, such person shall forfeit and pay three times as much as the legal toll would have been for any such person in passing through said gate, to be recovered by the treasurer of the said corporation for the use thereof, in an action of debt.

Persons injuring said toll-gate, &c. how dealt with.

IX. *And be it further enacted,* That if any toll-gatherer shall unreasonably delay or hinder any traveller or passenger at said gate, or shall demand or receive more toll than is by this act established, he shall for every such offence forfeit and pay the sum of two dollars, for the sole use of the person so unreasonably hindered or attempted to be defrauded ; the above forfeitures and fines to be prosecuted for and recovered before any justice of the peace of the county where such offence shall be committed.

Penalty on toll-gatherer for neglect of duty.

X. *And be it further enacted,* That the shares in the said turnpike road shall be taken, deemed and considered to be personal estate, and shall and may be transferable, and the transfers of the said shares shall be made and entered on the books of the said president, directors and company.

Shares deemed personal estate.

XI. *And be it further enacted,* That the president and directors of the said corporation shall keep a just and fair account of all monies received by the collector of the toll on said road, and shall make and declare a dividend of the profits and income (all contingent costs and charges being first deducted) amongst all the stockholders of the said corporation, and shall on the second Tuesday of January and July in each year, publish the half yearly dividend to be made of the said clear profits among the stockholders, and of the times and places when and where the same will be paid, and shall cause the same to be paid accordingly.

Accounts how kept and dividends how and when to be declared and paid.

XII. *And be it further enacted,* That the said president and directors shall within six months after the said road is completed, lodge in the comptroller's office of this state an account of the expense thereof, and the corporation shall annually exhibit to the comptroller a true account or dividend of all the income arising from said toll with the annual disbursements on said road.

Directors to account with the comptroller.

XIII. *And be it further enacted,* That the legislature may dissolve the said corporation when the income arising from said toll shall have fully compensated the said corporation

Corporation when to be dissolved.

Proviso.

for all monies they may have expended in purchasing, making, repairing and taking care of said road, together with an interest thereon of fourteen per centum per annum ; and thereupon the right, interest and property of said road shall be vested in the people of this state, and be and remain at their disposal ; *Provided*, That if the said corporation shall not commence their operations on the said road within two years after the passing of this act, or shall not within five years after the passing of this act, complete the said road according to the true intent and meaning of this act, then and in either of these cases this act shall cease, be void and of none effect.

Rates of toll to be affixed to said gate.

XIV. *And be it further enacted*, That the said corporation shall cause to be affixed to the said gate or turnpike a printed list of the rates of toll which may be lawfully demanded.

C H A P. CXX.

An ACT to establish a Turnpike Corporation for making and improving a Road from the Village of New-Windsor to Blooming-Grove.

Passed 3d April, 1801.

Persons herein named made a body corporate.

Style of the corporation.

Proviso.

Further proviso.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That John Chandler, Richard Goldsmith, William Adams, James Carpenter, William A. Thompson, Abraham Schultz, Hezekiah Howell, Johanna Decker, Jonathan Brooks junior, Thomas A. Thompson, Isaac Schultz and John Gale junior, and all such persons as shall associate for the purpose of making a good and sufficient road from the village of New-Windsor in the county of Orange, to the intersection of the Goshen and Warwick roads near the house of Richard Goldsmith in the town of Blooming-Grove, running as near the present road as circumstances will admit, shall be and hereby are created and made a corporation and body politic, in fact and in name, by the name of "The president, directors and company of the New-Windsor and Blooming-Grove turnpike road," and by that name they shall be capable in law to purchase, have, hold, enjoy and retain to them and to their respective successors, lands, tenements, hereditaments, goods, chattels and effects of every kind whatsoever, and the same or any part thereof, to sell, grant, demise, alien or dispose of, to sue and be sued; plead and be impleaded, answer and be answered unto, defend and be defended in courts of record or any other place whatsoever ; *Provided however*, That the amount of the real estate which the said corporation are hereby authorized to purchase and hold, shall not exceed three thousand dollars ; *And provided further*, That

such estate so to be purchased and held, shall be necessary to fulfil the end and intent of the corporation hereby created and made, and to no other use, intent or purpose whatsoever.

II. *And be it further enacted*, That John Chandler, Jonathan Brooks, David M. Westcott, John D. Nichol and Joseph Morrell, be and they are hereby appointed commissioners, to do and perform the several duties hereinafter mentioned, that is to say : They shall on or before the first day of June next procure five books, and in each of them enter as follows : " We whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay the president, directors and company of the New-Windsor and Blooming-Grove turnpike road the sum of twenty-five dollars for every share of stock in the said company set opposite to our several and respective names, in such manner and proportion, and at such time and place as shall be determined by the said president, directors and company ;" one of which books shall be left with each of the said commissioners at their respective places of abode, who shall keep the same open for the purpose of receiving subscriptions ; and every subscriber shall at the time of subscribing, pay unto either of the said commissioners the sum of five dollars for each share so subscribed, and the said commissioners shall as soon as one hundred shares have been subscribed, cause an advertisement to be inserted in the public newspapers published in the town of Goshen or Newburgh, giving at least twenty days notice of the time and place the said subscribers shall meet for the purpose of choosing thirteen directors, who shall be stockholders, for the purpose of managing the concerns of the said company for one year, and the day of choosing the said directors shall thereafter be the anniversary day for choosing directors ; and the said directors, elected by a plurality of the votes of the stockholders present and of those who appear by proxy, shall immediately proceed to the choice of one of their number for president by ballot, and the said president and directors shall and may meet, from time to time, and at such times and place as they may by their bye-laws, rules, orders and regulations, not inconsistent with the constitution or laws of this state or of the United States, deem necessary for the well ordering the affairs of the said corporation ; *Provided*, That at the election of directors no person shall have more than twenty votes, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held under the said number.

Commissioners appointed to perform certain duties

Thirteen directors to be chosen,

Who are to choose a president.

Votes how apportioned.

III. *And be it further enacted*, That if at any meeting of the directors of said turnpike corporation the president thereof shall not attend, then and in such case it shall and

A president pro tem. may be appointed.

may be lawful for the directors of such corporation to appoint a president for the time being.

Shares limited,
ed, &c.

IV. *And be it further enacted,* That the said president and directors may continue to receive subscriptions to the stock of the said corporation until there shall be three hundred shares subscribed; they shall have power to appoint such officers, agents, clerks, artists, workmen and others under them as shall be necessary for executing the business of the said corporation.

Authorities
and privileges
of the said
corporation.

V. *And be it further enacted,* That the said corporation, by the president and directors, or by any agents, superintendents, artists or other persons employed by them, may enter into any lands where they may deem it proper to construct said road, and to lay out, survey and labour on such routes or tracts as shall be most eligible for a good and sufficient road between the places aforesaid, and contract with the owner or owners for the purchase of so much thereof as may be necessary for making said road, and erecting and establishing gates, toll-houses, and all other works to the said road belonging; and in case of disagreement between the said parties respecting the damages to be done to said land, or if the owner or owners thereof shall be *femes covert*, insane or under age, or out of the state, then it shall and may be lawful for the said president and directors to apply to one of the judges or assistant justices of the court of common pleas in and for the said county of Orange, not interested in said road, who is hereby authorized and required to nominate, and by an instrument in writing signed by him, to appoint three commissioners, being freeholders of the said county, and who shall not be inhabitants of any of the towns through which the said road shall pass; and it shall be the duty of the said president and directors to cause a copy of such appointment to be served on each of the said commissioners, who shall thereupon name a day for meeting on the said lands and performing the duties required of them by this act, and also to give notice to the owner or owners of such lands of the said appointment, and the day being at least four days from the time of giving such notice, when and where the commissioners will meet for the purpose of examining the lands and assessing the damages (except the owner or owners shall labour under any of the disabilities aforesaid or be absent, in either of which cases a copy may be left at the dwelling house of the party, if any, or other notorious place on the land through which said road shall pass;) *And further,* Each of said commissioners, shall before he proceeds to exercise the trust reposed in him by this act, take and subscribe an oath before one of the justices of the peace in and for said county, that he will, without favour or partiality, estimate and assess the damages which may be sustained by the owner or owners of

Three com-
missioners to
be appointed.

any lands or improvements which the said corporation may deem necessary for the said road, and the commissioners shall then proceed to view the premises, and having determined the damages shall make an inquisition under their hands and seals, or the hands and seals of any two of them, stating the amount of damages, if any, which each or any of the owner or owners of any parcel of land used or to be used for said road have sustained or shall sustain, which inquisition shall be acknowledged by the commissioners signing the same before one of the judges aforesaid, and filed, together with the affidavit aforesaid, in the office of the clerk of the said county of Orange, who shall, at the expense, costs and charges of the president and directors aforesaid, enter the same of record in the book kept by him for recording deeds, and the said corporation paying to the several owners of said lands the several sums awarded by such inquisition, shall have and hold to them, their successors and assigns for ever, the lands and tenements described therein, and the president and directors aforesaid shall pay to the judge who made the appointment of said commissioners two dollars for his services, and to each of the said commissioners for every day necessarily attending the duties required of them by this act, two dollars and fifty cents.

Duty of the
county clerk.

Compensation
to the said
commission-
ers, &c.

VI. *And be it further enacted*, That it shall and may be lawful to and for the president, directors and company of the said corporation, and their superintendents, artists, workmen and labourers, with carts, waggons and other carriages, with their beasts of draft and burthen, and all necessary tools and implements, to enter upon the lands contiguous or near to the said road, first giving notice of such intention to the owners or occupants thereof, and doing as little damage thereto as possible, and repairing any breaches they make in the inclosures thereof, and making amends for any damages that may be sustained by the owners or occupants of such ground or improvements, by appraisement, in manner hereinafter directed; and upon a reasonable agreement of the owners or occupants, if they can agree, or if they cannot agree, then upon an appraisement to be made upon the oaths of three indifferent freeholders, to be mutually chosen, or of any two of them; or if the owner or occupants neglect or refuse to join in the choice, to be appointed by any justice of the peace of the county, and on tender of the appraised value, to take any timber, stone, gravel, sand or earth, being most conveniently situated for making and repairing the said road and turnpike, and to use the same in carrying on said work.

Further pow-
ers and privi-
leges of the
said corpora-
tion.

Damages how
ascertained.

VII. *And be it further enacted*, That the said president, directors and company shall cause a road to be laid out at least four rods wide, eighteen feet at least of which shall be bedded with wood, stone, gravel or any other hard sub-

Road how to
be laid out
and made.

stance, well compacted together, a sufficient depth to secure a good and solid foundation to the same ; and the said road shall be faced with gravel or stone pounded, or other small hard substance, in such manner as to secure a firm and as near as the materials will admit an even surface, rising towards the middle by a gradual arch, and they shall during the continuance of this act, maintain and keep the same in good and perfect order.

When turn-
pikes and
gates to be
erected.

VIII. *And be it further enacted*, That as soon as the president, directors and company shall have perfected the said road, from either end of said road, not less than five miles, and so from time to time any other like distance progressively, they shall give notice thereof to the governor of this state, who shall thereupon forthwith nominate and appoint three skilful and judicious persons to view the same, and report to him in writing whether the said road is so far executed in a masterly and workmanlike manner according to the true intent and meaning of this act, and if they report in the affirmative, then it shall be lawful for the governor, by licence under his hand and the privy seal of the state, to permit and suffer the said president, directors and company to erect and fix such and so many gates or turnpikes upon and across the said road, as will be necessary and sufficient to collect the tolls and duties hereinafter granted to the said corporation from all persons travelling the same ; *Provided always*, That there shall not be more than three gates in the whole distance of the road above mentioned.

Proviso.

Toll-gather-
ers to be
appointed.

Rates of toll.

IX. *And be it further enacted*, That as soon as such road is perfected or such part thereof as aforesaid, and the same being examined and licensed in manner aforesaid, it shall and may be lawful for the president, directors and company to appoint toll-gatherers to collect and receive from all and every person or persons using the said road the tolls and duties hereinafter mentioned, that is to say : For any number of miles not less than ten, the following sums of money, and so in proportion for any greater or less distance, to wit : For every score of sheep, eight cents ; for every score of hogs, eight cents ; for every score of cattle, eighteen cents ; for every horse and rider or led horse, five cents ; for every sulkey, chair or chaise with one horse and two wheels, twelve cents and an half ; for every chariot, coach, coachee or phaeton, twenty-five cents ; for every stage-waggon or other four wheeled carriage drawn by two horses, and for every cart drawn by two oxen, twelve cents and an half, and three cents for every additional horse ; for every sleigh and sled six cents, if drawn by two oxen or two horses, and in like proportion if drawn by a greater or lesser number of horses or oxen ; and it shall be lawful for any of the said toll-gatherers to stop any person riding, leading or driving any of the

Authority to
the said toll-
gatherers.

herein enumerated articles from passing through the said gates or turnpikes, until they shall have respectively paid the toll, not exceeding the rates above specified ; *Provided always*, That it shall and may be lawful for any person or persons, residing within five miles of any of the said gates or turnpikes to be erected on the said road, to compound by the year with the president and directors of the said corporation, for the privilege of using the said road and passing through the said gates or turnpikes ; and in case any such person or persons shall not be able to agree with the said president and directors upon the rate of composition, the same shall be determined in the manner provided by the fifth section of this act for ascertaining the value of lands that may be included in such road, except that it shall not be necessary for the inquisition or award of the commissioners to be acknowledged and recorded.

Certain persons may compound for toll.

X. *And be it further enacted*, That if any person who shall use the said road, shall with a view to evade the payment of the tolls required by this act leave the said road or go round the said gates, every such person shall for every such offence forfeit and pay to and for the use of the president, directors and company aforesaid, the sum of ten dollars, to be sued for in their names before any justice of the peace, by action of debt, to be recovered with costs of suit.

Persons evading toll how to be dealt with.

XI. *And be it further enacted*, That if any of the toll-gatherers shall unreasonably delay or hinder any passenger or traveller at any of the gates, or shall demand or require more toll than is by this act established, he shall for each and every offence forfeit and pay the sum of two dollars, to be recovered in manner and form aforesaid with costs of suit, in the name and for the benefit of the party delayed, hindered or defrauded, besides all special damages accruing to the person so stopped or delayed.

Penalty on toll-gatherers for neglect of duty.

XII. *And be it further enacted*, That the shares in the said turnpike road shall be taken, deemed and considered to be personal estate, and shall and may be transferable, and all such transfers shall be made and inserted in the books of the said president, directors and company.

Stock deemed personal property.

XIII. *And be it further enacted*, That the said corporation shall cause mile-stones to be placed on one side of the said road in its whole extent, whereon shall be marked in legible characters the respective number of miles from the place of commencing the said road, and also shall cause to be affixed up in a conspicuous place at each gate or turnpike, a printed list of the rates of toll.

Mile-stones to be erected and the rates of toll to be affixed to each gate.

XIV. *And be it further enacted*, That the said corporation shall cause to be kept a fair and just account of all monies received for toll on the said road, and shall make and declare a dividend of the clear profits and income (all

Accounts how kept and dividends how and when to be declared and paid.

contingent charges being first deducted) amongst all the stockholders of the stock of the said corporation, and shall on the second Tuesday in January and July, in every year, publish the half yearly dividend to be made of the said clear profits, and the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

Directors to account with the comptroller.

XV. *And be it further enacted*, That the said corporation shall within six months after the said road is completed, lodge in the office of the comptroller an exact account of the expenses thereof; and the said corporation shall annually exhibit to the comptroller a true account of the dividends made and arising from the said toll, with the annual disbursements on said road.

Duty of the comptroller.

XVI. *And be it further enacted*, That the comptroller, shall and he is hereby required to report to the legislature whenever it shall appear from the accounts so to be exhibited to him, that the income arising from the said toll shall have fully compensated the said corporation for all monies they have expended in purchases, making, repairing, taking care of the said road, and for all other expenditures thereon, together with an interest of fourteen per centum by the year, and thereupon the said corporation shall be dissolved and the interest and property of the said road shall be vested in the people of this state; *Provided*, That if the said corporation shall not proceed to commence work on the said road within two years after passing this act, and shall not, within five years thereafter complete the said road according to the intent and meaning of this act, then and in either of these cases this act shall cease, be void, and of no effect; *Provided always*, That nothing in this act contained shall authorize the toll-gatherers appointed under this act, to ask, receive or take any toll from any person whatsoever for passing said gates, or any of them, who are either going to or returning from public worship, or who are going to or returning from a funeral, or who are going to or returning from any mill with grain, flour or meal, for the use of his family only.

Corporation when to be dissolved.

Proviso.

Further proviso, exempting certain persons from paying toll.

C H A P. CL.

An ACT to establish a Turnpike Road from Cherry-Valley to the Chenango-River.

Passed 4th April, 1801.

Persons herein named and such others as may associate with them made a body corporate.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That James Ingals, Ozias Waldo, Elihu Phinney, Andrew Sill, Isaac Feote, Obadiah German, Alexander M'Collum senior, Rensselaer Williams, Abraham Ten Broeck, Robert Campbell and Elijah Holt, and all such persons as shall as-

sociate for the purpose of making a good and sufficient road from the house where John Walton now lives in the town of Cherry-Valley, in the county of Otsego to Cooperstown, and following the post road from thence westward to where it crosses the Chenango-river in the town of Sherburne, in the county of Chenango, shall and hereby are created and made a corporation and body politic, in fact and in name, by the name of "The president, directors and second company of the great western turnpike road;" and the said corporation shall by that name be capable in law to purchase, have, hold, enjoy and retain, to them and their successors, lands, tenements, hereditaments, goods, chattels and effects of every kind whatsoever, and the same or any part thereof to sell, grant, demise, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts of record, or any other place whatsoever; *Provided*, That the lands to be purchased as aforesaid shall be such only as may be necessary to carry into effect the object of this act, and shall not exceed in value the sum of five thousand dollars.

Style of the corporation.

Provifo.

II. *And be it further enacted*, That Elihu Phinney, Andrew Sill, Isaac Foote and Ozias Waldo, be and they are hereby appointed commissioners, to do and perform the several duties hereinafter mentioned, that is to say: They shall on or before the first day of June next procure four books, and in each of them enter as follows: "We whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay to the president, directors and second company of the great western turnpike road, the sum of twenty-five dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportion, and at such time and place as shall be determined by the said president, directors and company;" and the said books shall be deposited with such persons, and opened at such time and places as the said commissioners may direct; and every subscriber, shall at the time of subscribing, pay unto either of the said commissioners five dollars for each share so subscribed; and the said commissioners shall as soon as one hundred shares shall have been subscribed, cause an advertisement to be inserted in one of the newspapers printed in the city of Albany, and in the newspaper printed in Cooperstown, giving at least thirty days notice of the time and place the said subscribers shall meet for the purpose of choosing thirteen directors, who shall be stockholders, for the purpose of managing the concerns of the said company for one year, and the day on which the directors shall be chosen shall for ever thereafter be the anniversary day for choosing directors; and the said directors elected by a plurality of votes of the stockhold-

Commissioners appointed.

Their duties.

Price of each share of said stock.

Thirteen directors to be chosen with certain powers.

Who are to elect a president.

Votes how
apportioned.

ers present, shall immediately proceed to the choice of one of the number for president ; and the said president and directors may meet from time to time, and shall have power to make such bye-laws, rules, orders and regulations, not inconsistent with the constitution or laws of this state or of the United States, as may be necessary for the well ordering of the affairs of the said corporation ; *Provided*, That no bye-laws or regulations shall give or allow more than ten votes to any one stockholder, and that each person shall be entitled to one vote for every share by him held under the said number.

Seven direc-
tors to consti-
tute a board.

III. *And be it further enacted*, That no less than seven directors shall constitute a board for the transaction of business, of whom the president shall always be one, except in case of necessary absence, in which case his place shall be supplied by another director, whom he by writing under his hand shall nominate.

Amount of
subscriptions
to the stock of
said company

IV. *And be it further enacted*, That the president and directors may continue to receive subscriptions to the stock of the said corporation until two thousand shares shall have been subscribed.

President and
directors
may deviate
from the post
road.

V. *And be it further enacted*, That if it shall appear to the said president and directors that if by deviating from the said post road so called, the distance between the places designated for the commencement and ending of the said road can be materially shortened, it shall be lawful for the president and directors to make such alterations as may be found necessary.

Powers and
privileges of
said corpora-
tion.

VI. *And be it further enacted*, That the said corporation hereby created shall, except as is herein otherwise provided, have the like powers and privileges as by the act, entitled *An act to establish a turnpike corporation for improving the road from the city of Hudson to the line of Massachusetts on the road to Hartford*, passed March the twenty-ninth, one thousand seven hundred and ninety-nine, and the act amending the same, passed the twenty-eighth day of March, one thousand eight hundred, are conferred on the corporation therein mentioned, and shall be subject to the like restrictions and regulations as the said last mentioned corporation are made subject to, and shall make and improve the line of road directed by this act in like manner as is enjoined on the same corporation by the said recited act, and also shall be entitled to have and receive the like rates of toll as are allowed to the corporation for improving the road from John Weaver's in Watervliet to Cherry-Valley aforesaid.

Restrictions.

Rates of toll.

Toll Bridges.

THIRTEENTH SESSION. CHAP. XXXVII.

An ACT for building a Bridge across Haerlem-River.

Passed 31st March, 1790.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That Lewis Morris, his heirs or assigns, be and he and they are hereby empowered and authorized at his and their own expense, to build a bridge from Haerlem across Haerlem-river to Morrissania, agreeable to the dimensions and directions following, that is to say : The said bridge shall not be less than thirty feet in width, and between the centre arches thereof shall be an opening not less than twenty-five feet, over which shall be a draw not less than twelve feet, for the free passage of vessels with fixed standing masts ; and that it shall and may be lawful for the said Lewis Morris, his heirs or assigns, for and during the term of sixty years, to ask, demand and take for the use of the said bridge, a toll not exceeding the following rates, viz. For every four wheel pleasure carriage and horses, two shillings ; for every two wheel pleasure carriage, or sleigh and horses, one shilling ; for every waggon and horses, nine pence ; for every market sled and horses, nine pence ; for every ox cart and oxen, nine pence ; for every one horse cart and horse, six pence ; for every man and horse, six pence ; for every ox, cow or steer, two pence ; for every sheep, hog or calf, one penny ; for every single passenger, three pence.

A bridge from Haerlem to Morrissania to be built.

Rates of toll thereof.

II. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for any person or persons whatsoever, to erect or cause to be erected any other bridge over or across the said Haerlem-river to Morrissania, or to keep any scow, flatt or other vessel, to ferry any person over or across the said Haerlem-river from Morrissania to Haerlem, except for the private use of the inhabitants of the townships of Haerlem and Morrissania ; and if any such bridge shall be erected, or such scow, flatt or other vessel be used as aforesaid, except by the inhabitants of the said townships of Haerlem or Morrissania, the owner of such bridge, scow, flatt or other vessel, shall pay to the said Lewis Morris, his heirs, executors, administrators or assigns, treble the toll herein before specified, to be recovered in any suit or action of debt before any justice or justices of the peace having cognizance of the same.

Prohibition as to other bridges, boats &c.

[RESIDUE OF THIS ACT OBSOLETE.]

EIGHTEENTH SESSION. CHAP. XXXI.

An ACT to enable John B. Coles to raise a Dam across Haerlem-River, and to amend an Act, entitled "An Act for building a Bridge across Haerlem-River."

Passed the 24th of March, 1795.

Preamble.

WHEREAS in and by an act entitled *An act for building a bridge across Haerlem-river*, passed March 31st, 1790, Lewis Morris, his heirs and assigns, were authorized at his and their own expense, to build a bridge across Haerlem-river, agreeably to the directions and dimensions therein specified, and for the term of sixty years, to ask, demand and take for the use of the said bridge, a toll not exceeding the rates in the said act mentioned ; *And whereas*, The said Lewis Morris hath assigned his right to build the said bridge, and proposals have been made by John B. Coles to the assignees of the said Lewis Morris, to raise a dam of stone for the purpose of erecting mills thereon, and to be the foundation of the bridge aforesaid : Therefore,

A dam across Haerlem-river where to be made.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That John B. Coles, his heirs and assigns, shall be and he and they are hereby authorized to build a dam across Haerlem-river, at such place as is or shall be determined on by the assignees of the said Lewis Morris, in pursuance of the act above recited : and such dam shall be made of stone, and shall be so constructed as to be the foundation of the bridge aforesaid, and for collecting the water of the said river, for the use of grist and other mills.

A lock for boats how constructed

II. *And be it further enacted*, That the said John B. Coles, his heirs or assigns, at his and their own expense, shall make and keep in repair a lock, and shall provide and keep a sufficient person to attend the same, that no unnecessary delay may happen to those who may have occasion to pass through the said lock with boats ; that the width of said lock be eight feet, and so constructed as that a vessel drawing two feet of water may at low water enter such lock, and that the length be forty feet.

Certain damages how ascertained and paid

III. *And be it further enacted*, That all persons whose meadows and sedges may be injured, damaged or destroyed by the water so ponded up as aforesaid, shall be paid the amount of the damages he, she or they may so sustain, in the manner following : The amount of the damages that so as aforesaid shall be sustained, shall be determined, set and appraised by two justices of the peace, and by the oaths of twelve freeholders, not having any interest in the premises ; and the said freeholders shall be summoned by a constable of the town or ward in which such damages shall have been sustained, by virtue of a

warrant to be issued by the said two justices of the peace for that purpose, on the application of any person sustaining damages as aforesaid; the whole of the said damages together with the charges of the said justices and jury, and of the whole proceedings thereon had, if any damages shall be found, shall be paid by the said John B. Coles, his heirs or assigns, within thirty days after notice to him or them given of the inquisition so taken as aforesaid.

IV. *And be it further enacted*, That in case the said John B. Coles, his heirs or assigns, shall neglect to keep the said lock in sufficient repair, or to furnish such attendance thereat as to prevent the free passage of boats, he or they shall for every such neglect forfeit the sum of two pounds, to be recovered with costs of suit, before any justice of the peace, by any person who will prosecute for the same.

Penalty on neglecting to keep the lock in repair.

V. *And be it further enacted*, That the width of the said bridge shall not be less than twenty-four feet, any thing in the act above recited to the contrary notwithstanding.

Width of said bridge.

VI. *And be it further enacted*, That the said John B. Coles, his heirs and assigns, shall give security to the treasurer of this state, in the penal sum of four thousand pounds, conditioned that he or they shall erect and complete the said bridge within four years after the passing of this act; and that he or they will preserve the same in good and sufficient repair during the term of sixty years after the building and completing of said bridge; and at the expiration of which term of sixty years the said bridge shall vest in and become the property of the people of this state.

Security to be given for the completion thereof within 4 years, &c

VII. *And be it further enacted*, That from and after the expiration of the said sixty years, the said John B. Coles, his heirs and assigns for ever, shall have, hold and enjoy the use of the waters so ponded up for any mill or mills, which he or they, or any of them may have erected, or shall erect, and also the use of the said dam; *Provided*, That he or they shall keep in repair the said dam and lock, at his and their proper expense, and keep a person to attend the said lock in manner herein before mentioned.

Privileges to John B. Coles after 60 years

Provide.

TWENTIETH SESSION. CHAP. LXIII.

An ACT for the Relief of John B. Coles, and to provide for the laying out of new Roads.

Passed the 30th of March, 1797.

WHEREAS John B. Coles hath erected a bridge across Haerlem-river in pursuance of an act, entitled *An act for building a bridge across Haerlem-river*, and another act, entitled *An act to enable John B. Coles to raise a dam across Haerlem-river, and to amend an act, entitled*

Preamble.

An act for building a bridge across Haerlem-river ; And whereas, It is represented to the legislature, that although the commissioners named for that purpose in the first above mentioned act have laid out a road from the said bridge to Eastchester, yet the damages to the persons through whose land it is laid are not paid, and some part of the said road is not opened, and that the said John B. Coles has already expended a considerable sum of money in making, clearing and amending the said road, and that it will require further large sums for that purpose, besides what can be done in the ordinary mode of making and repairing highways in this state ; And whereas, The said John B. Coles hath prayed relief in the premises ; Therefore,

Road made a
public high-
way.

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the said road so laid out shall be and hereby is established as a public highway from and after the passing of this act, and shall and may be immediately opened as a public highway, although the damages to the persons or any or either of them, through whose land the same is laid out may not be paid ; and it shall and may be lawful for the said John B. Coles and his assigns, at his and their expense, to cause the said road to be cleared, and properly made for the convenience of travellers and all others having occasion to use the same road ; and as soon as the same road shall be made and cleared as aforesaid, then and from thenceforth it shall and may be lawful for the said John B. Coles and his assigns, for and during the term of thirty years, to demand and take an additional toll for passing the said bridge, not exceeding fifty per cent above what is allowed by the acts aforesaid, or either of them, and that the said John B. Coles shall at his own expense keep the said road in repair during the term he shall exact any additional toll for passing the said bridge.

[SECOND SECTION REPEALED.]

TWENTY-FIRST SESSION. CHAP. LXXVI.

An ACT to amend the Act, entitled " An Act for the Relief of John B. Coles, and to provide for laying out new Roads."

Passed April 3d, 1798.

Former act
extended, &c.

*I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the term of thirty years, allowed in and by the act, entitled *An act for the relief of John B. Coles, and to provide for laying out new roads*, shall be and hereby is extended to the term of sixty years from the thirty-first day of March last ; and that so much of the said act as declares that the said John*

B. Coles shall at his own expense, keep the road from the bridge across Haerlem-river to Eastchester in repair during the time he shall exact any additional toll for passing the said bridge, shall be and the same is hereby repealed.

II. *Provided nevertheless, and be it further enacted*, That the said John B. Coles shall lay out and expend, in repairing the said road, one hundred dollars, by the first day of July in each year, during the term he shall exact or take an additional toll of more than twenty-five per cent for passing over his bridge, in such manner that each of the towns of Westchester and Eastchester, shall be benefited thereby, in proportion to the work necessary to be done on the said road in each of the said towns; and shall render an account of the expenditure of the said one hundred dollars to the commissioners of highways of the towns of Westchester and Eastchester, on or before the first day of September in every year.

John B. Coles to lay out in repairing the road one hundred dollars yearly.

TWENTIETH SESSION. CHAP. LIX.

An ACT to incorporate the Cayuga Bridge Company.

Passed the 28th March, 1797.

WHEREAS Charles Williamson, Thomas Morris, John Harris, Wilhelmus Mynderse and Joseph Annin, are desirous of being incorporated, together with such persons as may hereafter become their associates, for the purpose of building a bridge across the Cayuga-lake in this state: Therefore,

Preamble.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That there shall be established a company of stockholders for the purpose of building a bridge over the Cayuga-lake, or the outlet thereof, within this state, and to be called and known by the name of "The Cayuga bridge company," and so to remain for the term of twenty-five years; and by that name they and their successors for and during the said term of twenty-five years, shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and of being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure, and also that they and their successors, by the name of "The Cayuga bridge company," shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the public use of the said corporation; *Provided*, That the whole of the stock and real estate of the said corpora-

Cayuga bridge company incorporated.

Their corporate rights.

Provido,

tion shall never exceed in value twenty-five thousand dollars ; *And provided further*, That such real estate shall never exceed two hundred and fifty acres of land on each side of the said lake adjoining the said bridge.

Five directors and a treasurer to be chosen annually.

II. *And be it further enacted*, That the stock, property, affairs and concerns of the said corporation, and the manner of obtaining subscriptions thereto, shall be managed, directed and conducted by five directors, who shall be stockholders, and shall together with a treasurer be annually chosen and elected on the first Wednesday in May in every year, at such time of the day, and at such place as the directors for the time being shall, forty days at least prior to the day of election, appoint by notice thereof in two of the public newspapers of this state ; that all elections for the treasurer and directors shall be by ballot, and such person who at any such election shall have the greatest number of votes given at such election as treasurer, shall be the treasurer, and in like manner such five persons who shall have the greatest number of votes at such election shall be the directors, and shall hold their offices for one year, and until others shall be chosen in their place ; that if any vacancies shall happen among the directors by death, resignation or otherwise, such vacancies shall be filled for the remainder of the year in which they may happen by the appointment of the remainder of the directors for the time being, or a majority of them ; that the first directors shall be Thomas Morris, John Harris, Charles Williamson, Wilhelmus Mynderse and Joseph Annin, and the first treasurer Jacob Hallet, who shall hold their offices until the first Wednesday in May next, and until others shall be chosen in their place.

Vacancies how to be filled.

First directors named.

Shares not to exceed 500, and amount of each.

Votes how apportioned.

III. *And be it further enacted*, That the number of shares or subscriptions constituting the stock or funds of the said corporation, shall not exceed five hundred shares, and that the amount to be paid for each share or subscription shall be fifty dollars, and that each stockholder be entitled to a number of votes proportioned to the number of shares which he or she shall have or hold in his or her name, according to the following ratio, that is to say : Every owner of one or more shares to the number of four, shall have one vote ; of five shares and less than ten, three votes ; of ten shares and less than twenty, five votes ; of twenty shares, eight votes, and one vote for every five shares above twenty.

Duty of the directors.

IV. *And be it further enacted*, That the directors for the time being, or a major part of them, shall have the disposition of the funds of the said corporation to and for the uses and purposes aforesaid, and shall annually on the first Wednesday in May, lay before the stockholders of the said corporation a general statement of their accounts and proceedings, which same statement of accounts and pre-

ceedings it shall be the duty of the directors to lodge with the treasurer, at least ten days previous to such annual meetings, for the inspection and examination of the stockholders ; and the directors for the time being, or a major part of them, shall have power to make and prescribe such bye-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, and touching the duties and conduct of their secretary, clerks, agents and servants employed therein, and touching all such matters as appertain to the said corporation, with power to appoint such and so many workmen, clerks and servants, for the erecting and building of the said bridge, and relating to the same, and with such allowances and salaries as to them shall seem meet ; *Provided*, That such bye-laws, rules and regulations be not repugnant to the constitution and laws of the United States and of this state.

VIII. *And be it further enacted*, That this act be and is hereby declared to be a public act, and shall be construed benignly and favourably for every beneficial purpose herein intended.

This act declared a public act.

[Residue of this act repealed, see next act. E.]

TWENTY-SECOND SESSION. CHAP. XXI.

An ACT to amend the Act, entitled "An Act to incorporate the Cayuga Bridge Company.

Passed 1st March, 1799.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the time limited in and by the act hereby amended, for completing the bridge across the Cayuga-lake, shall be and hereby is extended to the first day of May, in the year one thousand eight hundred and one ; and if the said bridge shall be completed within that time, then the said Cayuga bridge company shall be continued for the period of seventy-five years from and after the passing of this act.

Time for building bridge extended.

II. *And be it further enacted*, That it shall not be lawful for any person or persons to erect any bridge or establish any ferry or ferries within three miles of the place where the bridge aforesaid shall be erected and built by the said company ; neither shall it be lawful for any person or persons to cross the said lake, after the aforesaid bridge is completed within three miles thereof, without paying to the corporation for their use the toll established by law ; but it shall and may be lawful for any person or persons to pass and repass with his or their own boat without being subject to such toll.

No person to erect any bridge, &c. within three miles of the one erected by the Cayuga bridge company.

Certain persons not to pay toll for passing said bridge on foot for 7 years.

III. *And be it further enacted,* That all such inhabitants as reside within three miles of the said bridge shall not be subject to the payment of any toll for passing and repassing the said bridge on foot for the term of seven years from and after the passing of this act.

Corporation when deemed to be dissolved.

IV. *And be it further enacted,* That in case the aforesaid bridge shall not be erected, built and completed on or before the first day of May, in the year of our Lord one thousand eight hundred and one, then the corporation created by the act hereby amended shall be adjudged and considered as dissolved.

Rates of toll.

V. *And be it further enacted,* That it shall and may be lawful for the said corporation to demand, receive and take for the use of said bridge, a toll not exceeding the following rates, viz. Every four wheel pleasure carriage drawn by two horses, one dollar, if drawn by four horses, one dollar and twenty-five cents; every two wheel pleasure carriage drawn by one horse, fifty cents, and if drawn by two horses, sixty-two and an half cents; every waggon and two horses, fifty-six cents and one quarter, if drawn by four horses, seventy-five cents; each sled and horses, thirty-seven and an half cents; each ox cart and two oxen, fifty-six cents and one quarter, each other yoke of oxen, twenty cents; every one horse cart, twenty-five cents; every one horse sled, twenty-five cents; every ox sled drawn by one yoke of oxen, thirty-seven and an half cents, every other yoke of oxen, twenty cents; every man and horse twenty-five cents; every foot passenger, six cents; every horse, jack or mule, ten cents; every cow or other neat cattle, six cents; every sheep, hog or calf, one and an half cents.

After 75 years said bridge to become state property.

VI. *And be it further enacted,* That from and after the expiration of the aforesaid term of seventy-five years, the said bridge, with its appurtenances, together with the road or highway leading through the lands of the said corporation, on each side of the said bridge, shall become the property of and be vested in the people of this state.

Certain parts of an act repealed.

VII. *And be it further enacted,* That so much of the first enacting clause of the act, entitled *An act to incorporate the Cayuga bridge company*, passed the 28th of March, 1797, as respects the duration of said corporation, and the fifth, sixth and seventh sections of the said act, shall be and the same are hereby repealed; *Provided nevertheless,* That any troops in the service of this state or any of the United States, and all artillery, all waggons and other carriages, and stores of every kind, belonging to this state or to the United States shall pass said bridge without paying toll.

Proviso.

In what case said corporation to be dissolved.

VIII. *And be it further enacted,* That if the said bridge after the same shall have been completed, shall at any time during the said period of seventy-five years be impassable for the term of thirty days, that the said corporation shall

be, and the same is hereby declared in such case to be dissolved ; *Provided nevertheless*, That no such dissolution of the said corporation shall take place by reason of the said bridge being carried away by the ice, if the said bridge shall be rebuilt within eighteen months after the same shall have been so carried away ; *And provided also*, That nothing in this act contained shall prevent the erection of one or more ferry or ferries at any of the places in this act designated, whenever the said bridge shall be carried away as aforesaid, and to continue the same until it shall be rebuilt.

Previse.

Further proviso.

TWENTIETH SESSION. CHAP. XCVII.

An ACT making Provision to keep in repair the Bridge over the Mohawk-river, below the Cohoes-Falls.

Passed the 3d April, 1797.

BE it enacted by the People of the State of New-York, *represented in Senate and Assembly*, That from and after the first day of June next, the following toll shall be collected from every person crossing the said bridge, viz. For every carriage crossing the said bridge and drawn by a single horse, six cents ; for every wheel carriage or sled crossing the said bridge and drawn by two horses, mules or other working cattle, the sum of eight cents ; for every carriage or sled drawn by more than two horses, two mules or two other working cattle, at and after the rate of two cents for each additional creature ; for a man and horse or mule, the sum of four cents ; for every single horse, mare, colt or mule, the sum of one cent ; for every bull, ox, cow, heifer or calf, the sum of two cents, and for sheep and hogs at and after the rate of ten cents per score.

Rates of toll.

[RESIDUE OF THIS ACT REPEALED.]

An ACT to amend the Act, entitled " An Act making Provision to keep in repair the Bridge over the Mohawk-River, below the Cohoes-Falls.

Repealed.

Passed March 30th, 1798. Sess. 21, ch. 61.

TWENTY-FIRST SESSION. CHAP. CII.

An ACT concerning the Bridge over the Mohawk-River, below the Cohoes-Falls.

Passed April 6th, 1798.

I. BE it enacted by the People of the State of New-York, *represented in Senate and Assembly*, That Jacobus Van Schoonhoven, Enoch Leonard and Garret Groesbeck,

Commissioners herein named to lease the

Bridge near
the Cohoes-
falls.

Lessees to re-
ceive the toll
established by
law.

Provide.

Duty of the
commission-
ers.

An act and
part of an act
repealed.

Lease for-
feited if the
bridge is
found insuffi-
cient.

be and hereby are appointed commissioners, with full powers to demise and lease the bridge over the Mohawk-river below the Cohoes-falls, to such person or persons as shall agree for the same, upon such conditions and for such a term of time, not exceeding twenty-five years, as the said commissioners, or any two of them, shall deem proper ; and that it shall be lawful for the said lessee or lessees to demand and receive, to his or their own use, from all manner of persons passing over the said bridge, the same rates of toll which have been heretofore established by law ; *Provided always*, That the said lessee or lessees, his or their heirs, executors, administrators or assigns, shall with all convenient speed, well and sufficiently repair the said bridge, and shall keep the same in good and sufficient repair during the said term.

II. *And be it further enacted*, That it shall be lawful for the said commissioners, or any two of them, to execute such lease as aforesaid, and to exact from the lessee or lessees such security as the said commissioners, or any two of them, shall deem necessary for the due performance of his or their covenants and agreements to be inserted in the said lease ; *And further*, That it shall be the duty of the said commissioners, or any two of them, from time to time to inspect and determine upon the sufficiency of the repairs that shall or may be made to the said bridge, by the said lessee or lessees, their executors, administrators or assigns.

III. *And be it further enacted*, That the act, entitled *An act to amend the act, entitled An act making provision to keep in repair the bridge over the Mohawk-river, below the Cohoes-falls*, and the several clauses thereby repealed, be and the same are hereby repealed ; and in case the said commissioners, or a majority of them, shall at any time find the said bridge insufficient and out of repair, and so continued for thirty days after due notice, the lease hereby to be given shall be deemed forfeited, and the said commissioners, or a majority of them, shall take possession of the said bridge and the tolls thereof, as though the said lease had never been made.

TWENTY-FOURTH SESSION. CHAP. CXLII.

An ACT to amend the Act, entitled " An Act concerning the Bridge over the Mohawk-River, below the Cohoes-Falls."

Passed 4th April, 1801.

Preamble.

WHEREAS Matthew Gregory and Gradus Van Schoonhoven, the present lessees of the said bridge, have by their petition to the legislature set forth, that a part of the said bridge hath lately been destroyed and

other parts much injured by the ice and water, and that the toll now allowed by law will be insufficient to compensate them for the necessary repairs of the said bridge : Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the commissioners in the said act mentioned, by writing under their hands and seals, to give to the said lessees and their heirs and assigns, full liberty to demand and receive from all passengers, with horses, carriages and cattle, or other articles passing over the said bridge, such further and additional rates of toll, over and above what is now allowed by law, as to the said commissioners; or a majority of them, shall be thought necessary to enable the said lessees to make such repairs in the said bridge as to render the same safe for the passage of carriages ; *Provided, That such additional allowance of toll so taken, shall not exceed thirty-three and one-third per cent, nor shall such additional allowance be continued for more than four years.*

Commissioners authorized to give to lessees liberty to demand additional toll.

Provido..

TWENTY-SECOND SESSION. CHAP. XLV.

An ACT authorizing John Knickerbacker junior, and others, to build a Toll Bridge at Schaghtikoke-Point in the County of Rensselaer.

Passed 23d March, 1799.

WHEREAS John Knickerbacker junior, Silas Weeks, John Travis, Zephaniah Russell, Bethel Mather and Charles Joy, by their petition presented to the legislature, have prayed leave to build a toll bridge over Hosack-river at Schaghtikoke-point in the county of Rensselaer, and it appearing that such bridge when erected will be of great public utility : Therefore,

Preamble.

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the said John Knickerbacker junior, Silas Weeks, John Travis, Zephaniah Russell, Bethel Mather and Charles Joy, to build a bridge over the said Hosack-river, at the same place where William Chace formerly built a bridge, which said bridge shall be not less than sixteen feet wide, built in a substantial and workmanlike manner, and shall before the end of this present year be so far completed as with safety to admit the passage of carriages of every kind.

Persons herein named authorized to build a bridge at Schaghtikoke-point.

II. And be it further enacted, That as soon as said bridge shall be so far completed as safely to admit passing as aforesaid, it shall and may be lawful for the said John Knickerbacker junior, Silas Weeks, John Travis, Zephaniah Russell, Bethel Mather and Charles Joy, to erect a

When completed gates to be erected.

Rates of toll. gate at one or both ends of said bridge, to effect the collection of tolls, at the following rates, to wit : For a person and horse, three cents ; for every head of neat cattle, one cent ; for every horse, mare or colt, two cents ; for sheep and hogs, at and after the rate of six cents per score ; for every carriage drawn by two horses or cattle, six cents ; for every carriage drawn by more than two horses or cattle, for each additional horse or working creature, two cents ; which said rates of toll it shall be lawful for the said John Knickerbacker junior, Silas Weeks, John Travis, Zephaniah Russell, Bethel Mather and Charles Joy, their executors, administrators and assigns, to demand and receive for the term of twenty-five years, to be computed from the first day of January next ensuing.

Part of the highway to be fenced up. III. *And be it further enacted,* That it shall and may be lawful for the said John Knickerbacker junior, Silas Weeks, John Travis, Zephaniah Russell, Bethel Mather and Charles Joy, to fence up or otherwise stop up so much of the highway leading from the northward to Hart's point as runs through the land belonging to one of the said proprietors, and lies between the said bridge and the places where the said Hosack-river was crossed by the ford and ferry before the erecting a bridge by William Chace.

Other bridges prohibited. IV. *And be it further enacted,* That it shall not be lawful for any person or persons whatever to erect or cause to be erected any bridge over or across the said Hosack-river, at any place nearer than one mile from said bridge, unless for the private use of the proprietor or proprietors of the soil where such bridge shall be erected ; and if any such private bridge shall be erected and the proprietor or proprietors thereof shall permit any carriages or cattle, other than those actually belonging to himself or themselves to cross such bridge, such proprietor or proprietors shall pay unto the said John Knickerbacker junior, Silas Weeks, John Travis, Zephaniah Russell, Bethel Mather and Charles Joy, their heirs, administrators and assigns, treble the toll herein before specified, to be recovered in any suit or action of debt, before any justice of the peace having cognizance thereof.

Certain privileges and restrictions of the aforementioned persons in the premises. V. *And be it further enacted,* That in case the said bridge shall not in the course of the present year be so far completed as to admit with safety the passage of all such teams and carriages as have usually passed on the roads leading thereto, they the said John Knickerbacker junior, Silas Weeks, John Travis, Zephaniah Russell, Bethel Mather and Charles Joy, shall not by tolls or any other way be entitled to any reimbursement of the expense they may have been at in the building of said bridge, unless it shall appear that in the progress of said work and before it is completed, such accidents shall have happened by

floods or otherwise, as to render a further time necessary for completing the same; *And further*, If at any time during the term aforesaid, said bridge shall become so far decayed as to render the passing thereof unsafe, of which fact any three justices of the peace in the county of Rensselaer shall be the judges, or if said bridge shall be carried away by floods, ice or any other accident, then and in such case they the said John Knickerbacker junior, Silas Weeks, John Travis, Zephaniah Russell, Bethel Mather and Charles Joy, their executors, administrators or assigns, shall, as the case may be, repair or rebuild the said bridge within eighteen months next after the day when the same shall be adjudged unsafe or destroyed by any accident as aforesaid; and in case the said bridge shall not within the said number of months be repaired or rebuilt, as the case may require, then such part or parts of said bridge as shall be remaining shall be considered as the property of the people of this state, and after such default of repairing or rebuilding said bridge, neither the said proprietors of said bridge, nor any person or persons claiming under them, shall have any demand or claim for the remaining part or parts of said bridge, nor shall they ever afterwards be permitted to obstruct with gates or in any other way the passing over such bridge as may be there built, or to attempt directly or indirectly the collection of any toll for passing such bridge.

VI. *And be it further enacted*, That if at any time during the term aforesaid, said bridge should be in such condition as to render the passing over the same unsafe, and complaint thereof shall be made to the commissioners of highways for the town of Schaghtikoke, and if the said commissioners or a majority of them shall judge the passing over the same to be dangerous, they shall immediately spike up the toll-gates and keep the same spiked up until the said bridge shall be so repaired as to render passing over it safe when said commissioners shall again open said gates to be kept as usual.

Gates to be spiked up when the passage of said bridge is unsafe.

VII. *And be it further enacted*, That at the expiration of the term aforesaid, the bridge which shall be remaining at the place aforesaid, with all things thereunto appertaining, shall be to all intents and purposes the property of the people of this state.

Said bridge when to become the property of the state.

C H A P. LXXVII.

An ACT making Provision to keep in Repair the Bridge over Schoharie-Creek, at Fort-Hunter, in the County of Montgomery.

Passed 1st April, 1799.

WHEREAS it is requisite that adequate provision should be made for keeping the bridge over the

Preamble.

Schoharie-creek at Fort-Hunter in good repair, and for the payment of six hundred and fifty dollars, being a balance due the trustees appointed for the erecting said bridge : Therefore,

Toll to be collected.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the first day of June next, the following toll shall be collected from every person crossing said bridge, in the months of March, April, May, June, July, August, September, October and November in every year, during the term of seven years from the said first day of June next,*

Rates thereof

viz. For every carriage crossing said bridge and drawn by one horse, four cents ; for every carriage drawn by two horses, mules or other working cattle, the sum of six cents ; for every carriage drawn by more than two horses, mules or other working cattle, at and after the rate of two cents for each additional creature ; for each man and horse or mule, the sum of three cents ; for every single horse, colt, mule, ox or cow, the sum of one cent, and for sheep, calves and hogs, at the rate of seven cents per score.

Duty of the superintendents of highways of the county of Montgomery.

II. *And be it further enacted, That it shall and may be lawful for the superintendents of highways* in and for the county of Montgomery for the time being, or their successors in office, or a majority of them, to cause the said toll to be collected, and the neat proceeds thereof, after deducting the necessary charges of collecting and of erecting a toll-house and gates for the purpose, to be applied as follows, that is to say : To the making such repairs to the said bridge from time to time as they in their discretion shall think necessary ; and such surplus of the proceeds of the said toll, after deducting the expense and charges of collecting the same and repairing the said bridge, erecting the said toll-house and gates, shall from time to time be applied by said superintendents, to the discharging and paying of the balance of six hundred and fifty dollars due to the trustees of said bridge, as mentioned in the preamble of this act ; and after the payment of the said sum of six hundred and fifty dollars to the said trustees as aforesaid, if any surplusage arising from said toll after deducting and paying as aforesaid should remain, it shall and may be lawful for the said superintendents to apply the same to the repairing of any roads in the said county of Montgomery leading to or from the said bridge.*

Who shall appoint a collector of toll.

III. *And be it further enacted, That it shall and may be lawful for the said superintendents, or a majority of them, from time to time, to appoint a collector of the said toll, upon such terms and conditions as they may think proper, and to demand and take from such collector such security*

* The office of superintendents of highways was abolished by an act of 24th Sept. See vol. 1, p. 588. E.

as they shall deem necessary and proper, and any or every such collector to displace and remove at their pleasure.

IV. *And be it further enacted*, That it shall and may be lawful for any person or persons living within one mile in any direction from the bridge aforesaid, to commute with the said superintendents, or with any one of them for such sum to be annually paid to the collectors as the said superintendents, or any one of them, shall think proper; which commutation shall be deemed in full satisfaction by the collectors; *Provided*, Every person so commuting shall produce to the collector a certificate of such agreement or commutation, signed by one of the superintendents.

Certain persons may commute for toll.

Provido.

V. *And be it further enacted*, That the said superintendents shall annually render an account for any monies which may be by them received by virtue of this act to the supervisors of the said county of Montgomery.

Superintendents annually to account.

An ACT to authorize the building of Toll Bridges over Hudson's River.

Obsolete.

Passed 7th April, 1800. Sess. 23, ch. 109.

TWENTY-FOURTH SESSION. CHAP. LVII.

An ACT for building a Bridge over Flushing-Creek, and constructing a Road and establishing a Turnpike between Flushing and Newtown in the County of Queens.

*Act supplementary
mentary Vol 3
510*

Passed 21st March, 1801.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That there shall be established a company of stockholders for the purpose of building a bridge over Flushing-creek in the county of Queens, and of making a good and sufficient road from the town of Flushing aforesaid across the creek aforesaid and the salt meadows and upland to the town-spot of Newtown aforesaid, who shall be and hereby are created and made a corporation and body politic, in fact and in name, to be known and distinguished by the name of "The Flushing and Newtown turnpike, bridge and road company," and by that name they and their successors for ever shall and may have perpetual succession, and shall be and are hereby made capable in law of suing and being sued, pleading and of being impleaded, answering and of being answered unto, defending and of being defended in all courts and places whatsoever; and also shall and may make, use and have a common seal, and the same at pleasure alter; and also by that name shall be and are hereby made capable in law of purchasing, holding and conveying any estate, real and personal, that may be necessary to enable them to fulfil the end and intent of the corporation hereby created.

A company established for the purposes herein mentioned.

Made a body corporate, and style of the corporation.

Their powers and privileges.

Capital stock
of said com-
pany, and
votes how ap-
portioned.

Commission-
ers herein
named to re-
ceive sub-
scriptions.

As soon as
300 shares are
subscribed
seven direc-
tors to be
chosen,

Who are to
elect a pre-
sident.

Five directors
to form a quo-
rum.

II. *And be it further enacted,* That the capital stock of the said company shall consist of four hundred shares; and that the amount to be paid for each share shall be twenty-five dollars; and that each stockholder shall be entitled to a vote for every share he or she shall hold; *Pro- vided;* That no person shall in any case be entitled to more than twenty votes; and subscriptions for shares in the said company shall be taken in the manner following, to wit: Samuel Riker, Robert Moore and David Gardiner, shall be and they are hereby appointed commissioners for taking subscriptions, and each of the said commissioners shall on or before the first Tuesday of May next provide himself with a book, and shall enter therein as follows: "We whose names are here under subscribed, do for our- selves and our legal representatives, promise to pay to the Flushing and Newtown turnpike, bridge and road compa- ny the sum of twenty-five dollars for each share of stock in the said company set opposite to our respective names, in such manner and proportions, and at such time and place as shall be determined by the president and direc- tors of the said company, until the whole amount of twen- ty-five dollars is paid on each share;" and the said com- missioners respectively shall open their books for taking subscriptions for the purpose aforesaid on the said first Tuesday of May next, and shall continue them open from day to day until the whole number of shares are subscrib- ed for; and each subscriber shall at the time of subscrib- ing pay unto the commissioner with whom he subscribes three dollars for each share so by him subscribed; and as soon as three hundred shares are subscribed, the said com- missioners shall cause an advertisement to be inserted in two of the public newspapers printed in the city of New- York, thereby giving fourteen days notice of the time and place when and where the said subscribers shall meet for the purpose of choosing seven directors to manage the concerns of the said company for one year, and the day of such election shall for ever thereafter be the anniversary day for electing directors; at which said first election the aforesaid commissioners or any two of them shall preside, and shall on estimating the whole number of votes taken at such election declare under their hands in writing, the seven persons having the greatest number of votes for directors for the year then ensuing, and shall forthwith notify them of their election, and of the time and place when and where they are required to meet; and the said directors or a majority of them, being met in pursuance of such notice, shall elect one of their number for presi- dent; and five of the directors of the said company shall be a quorum, and capable of transacting the business of the said corporation, and every act of the majority of the directors so met shall be binding on the said compa-

ny ; and the president and directors may meet when and where they may think proper, and shall have full power to make such bye-laws, rules and regulations, not inconsistent with the laws of the United States or of this state, as shall be necessary for the proper government of the said corporation, and shall and may appoint and employ such officers, agents, artists, workmen and others as they shall think necessary for executing the business of the said corporation, and allow and pay to them respectively such compensation for their services as they shall deem proper.

III. *And be it further enacted,* That the aforesaid Samuel Riker, Robert Moore and David Gardiner, be and they are hereby appointed commissioners, whose duty it shall be to examine and determine at what place the bridge shall be built over Flushing-creek aforesaid, what route or course the said road shall be laid out over the said creek, salt meadow and upland, from the place of beginning to the town-spot of Newtown aforesaid, and of what width the same shall be, so nevertheless that the said bridge shall be not less than twenty feet wide and the said road not less than four rods wide ; and after having made such examination and agreed and determined on the spot or place where the bridge shall be built over the said creek, and the route or course that the said road shall run over the salt meadows and upland to the town-spot of Newtown aforesaid, and the width of the said bridge and road, the said commissioners shall cause a proper survey thereof to be made and returned to them, which they or any two of them shall certify under their hands and deliver to the president and directors of the said company, on or before the first Tuesday of July next, together with a certified account of the expenses attending such examination and survey, which shall be forthwith paid to the said commissioners by the president and directors of the said company ; and it shall and may be lawful for the said commissioners, together with such persons as they shall employ, to enter upon any land that they shall think necessary for the purpose of making such examination as aforesaid, and of executing and completing such survey as aforesaid.

Commissioners named, their duty and power.

The expense of survey how paid.

IV. *And be it further enacted,* That when the aforesaid survey shall be completed and delivered in the manner aforesaid to the president and directors of the said company, they shall thereupon cause a bridge of the width of twenty-four feet at least, and with a good and sufficient railing thereon, to be built, and a road to be laid out in conformity thereto, eighteen feet in width of which said road shall be bedded with wood, stone, gravel, or any other hard substance, well compacted together a sufficient depth to secure a solid foundation to the same ; and the said road shall be faced with wood, gravel or other hard

After which survey a bridge to be built,

And a road to be laid out and made as herein directed.

Said bridge
how to be
constructed.

Bridges and
road to be
kept in good
repair, &c.

Provide.

Authorities
and privileges
of the said
corporation.

Damages how
ascertained.

substance, in such manner as to secure, as near as the materials will admit, an even surface, or shall and may be well and sufficiently planked upon piles properly secured in the ground of the like width as aforesaid ; and the said bridge so to be built over the Flushing-creek, shall be constructed on the plan of a draw-bridge, having at least one draw, with fit and complete machinery to draw up and let down, which said draw shall not be less than eighteen feet wide in the clear, and the piles on the respective sides of the said draw shall be so distant from each other as to admit a raft of twenty-two feet wide to pass under ; and it shall be the duty of the said company to keep and at all times have ready, proper persons to attend the drawing up of said bridge for the passage of any vessel or vessels, for which no toll or other compensation shall be taken or demanded ; and it shall be the duty of the said company at all times to keep and maintain in good and sufficient repair the bridge and road aforesaid, and such other bridges as they shall cause to be erected upon the said road ; and in case the said road shall cross a ditch lately dug by Edward Leverich and Cornelius Remsen, that then and in that case the said company shall cause a draw-bridge to be erected over the said ditch, so as to admit boats to pass and repass the same in like manner as the bridge over Flushing-creek aforesaid ; *Provided always*, That the part of the said road which the said company shall be bound to make in the manner herein before prescribed, and to keep at all times in proper turnpike order and repair, shall not extend farther than from the place of beginning at Flushing, to the place where the said road shall last leave the salt meadows ; and that it shall only be the duty of the said company to put and keep the residue of the road to the town-spot of Newtown, or such part thereof as shall be opened under this act, in ordinary condition and repair, but that they shall, at their own expense, set up good and lawful fences on each side of the said residue of the said road as far as the same shall be laid open by the commissioners aforesaid for that purpose appointed.

V. *And be it further enacted*, That the president and directors of the said company or any agent, superintendent or artist by them appointed or employed, may enter into any land to be included in the survey so as aforesaid to be made, or which may be necessary to enable them to construct the said bridge and road, and may contract and agree with the owner or owners of the land for the purchase of so much thereof as may be necessary for the purpose of building the said bridge, and of making the said road, and for erecting and establishing gates, toll-houses, and all other works to the said road belonging, if they can agree with such owners ; but in case of disagreement between the president and directors of the said company and

the owner or owners respecting the damages to be done to the said land, or if the owner or owners thereof shall be insane, *feme covert*, infants, or out of the state, then the said president and directors may apply to one of the judges or assistant justices of the said county of Queens, not interested in the said road, who shall thereupon nominate, and by an instrument in writing under his hand, appoint three freeholders of the said county, not being inhabitants of either of the aforesaid towns, who shall do and perform the duties hereinafter mentioned; and it shall be the duty of the president and directors to cause a copy of such appointment to be served on each of the three freeholders so appointed, and also to give notice to the owner or owners of such lands of such appointment, and the time and place (which shall be determined upon by the said freeholders, so appointed) at least eight days previous to such meeting, when and where they will meet to examine the land and assess the damages, except the owner or owners shall labour under any of the disabilities heretofore enumerated, or be absent, in either of which cases a copy of such notice may be left at the dwelling house of the party, if any, or other notorious place on the land through which such road shall be laid; *And further*, Each of the said freeholders so to be appointed, shall before he proceeds to execute the trust reposed in him by this act, take and subscribe an oath or affirmation, before one of the justices of the peace in and for the said county, that he will without favour or partiality, estimate and assess the damages that may be sustained by the owner or owners of any lands or improvements which the said company shall deem necessary for said road; and the said freeholders so as aforesaid appointed, shall then proceed to view the premises, and having determined the damages, shall make an inquisition under their hands and seals, or the hands and seals of any two of them, stating the amount of damages which each or any of the owners of any parcel of land used or to be used for the said road, have sustained or shall sustain, which inquisition shall be acknowledged by the said freeholders so as aforesaid appointed, signing the same before one of the judges aforesaid and filed in the office of the clerk of the said county of Queens, who shall at the costs, charges and expenses of the said company, record the same in the book of deeds; and the said company, paying or tendering to the said several owners of the land the several sums awarded by such inquisition, shall have and hold to them, their successors and assigns for ever, the lands and tenements occupied by the said road; and the said company shall pay to the judge or justice for the appointment aforesaid two dollars, and to each of the said freeholders, for each day necessarily attending the duties required of him by this act, two dollars and fifty cents;

Freeholders
to be appointed,
and their
duty.

Duty of the
county clerk.

Compensation
to the com-
missioners,
&c.

Provide.

Provided always, That the said company, their agents and workmen, shall be, and they are hereby altogether restrained from cutting any of the timber growing on a certain island called Yonkers, the property of Thomas Lawrence, or converting any part of the same timber to the use of the said company.

Further power and authority to the said president, &c.

VI. *And be it further enacted,* That it shall and may be lawful to and for the president and directors of the said company, their superintendents, artists and labourers, with their carts, waggons and other carriages, and beasts of draft and burthen, and all necessary tools and implements, to enter upon any lands contiguous or near the said road, first giving notice of their intention to the owners or occupants thereof, and doing as little damage as possible thereto, and making amends for any damage which may be sustained by the owners or occupants of such grounds or improvements by appraisement, in the manner herein before described, in case the president and directors and the owner or owners cannot agree, or in case the latter shall labour under any of the disabilities before mentioned, or be absent, and on payment or tender of the appraised value to take and carry away any stone, gravel or other material or substance useful or necessary towards making and at all times keeping in repair the said road.

Gate or turnpike when to be erected.

VII. *And be it further enacted,* That as soon as the president and directors of the said company shall have completed the said bridge and road, it shall be their duty to give notice thereof to the person administering the government of this state, who shall thereupon forthwith appoint three judicious persons to view the same, and report to him in writing whether the said bridge and road are completed in a workmanlike manner, according to the true intent and meaning of this act ; and if the person administering the government of this state shall be satisfied with such report, he shall then by licence under his hand and the privy seal of this state, permit the said company to erect one gate or turnpike across the said bridge and road, at such place as shall be determined upon by the president and directors of the said company, and it shall thereupon be lawful for them to erect such gate, and appoint toll-gatherers to collect and receive of and from all and every person or persons passing on the road through the said gate, the tolls and duties hereinafter mentioned, and no more, that is to say ; For every score of sheep or hogs, six cents ; for every score of cattle, mules or horses, twelve cents ; for every cart drawn by one horse, six cents ; for every phaeton, chariot, coach or coachee, twenty-five cents ; for every stage-waggon or other four wheeled pleasure carriage, drawn by two horses, twelve and an half cents ; for every common waggon drawn by

Toll-gatherers to be appointed.

Rates of toll.

two horses, eight cents ; for every sleigh drawn by one or two horses, six cents, and three cents for every additional horse ; for every cart drawn by two oxen, mules or horses, six cents, and for every additional ox, horse or mule, two cents, and in the like proportion if drawn by a greater or less number of horses, mules or oxen ; for every chair, gig or sulkey, twelve and an half cents ; for every man on horseback, six cents ; and for every foot passenger, two cents ; and it shall and may be lawful for the toll-gatherers to stop any person leading or driving any horse, cattle, sheep, hogs, sulkey, phaeton, chair, chaise or any other carriage of burthen or pleasure, or any foot passenger, from passing the said gate or turnpike, until they shall have respectively paid the toll as above specified ; *Provided always*, That no toll shall in any wise be demanded or received from any person or persons either on account of themselves, their horses, cattle, waggons or other carriages, having occasion to pass and repass over the said bridge and road, or either of the salt meadows for the purpose of cutting, curing and carrying away salt grass or sedge.

Provido.

VIII. *And be it further enacted*, That the said company shall affix to the gate a printed list of the rates of toll which may be lawfully demanded, and if any person shall break, cut or destroy any part of the bridge, turnpike or gate which shall be erected in pursuance of this act, or shall forcibly pass the said gate without having paid the legal toll at such gate or turnpike, such person or persons shall forfeit and pay ten dollars, to be recovered by the treasurer of the said company, to their use in an action of debt ; and if any person shall with his team, carriage or horse turn out of the said road to pass the gate on ground adjacent thereto, and again enter on the said road with intent to avoid the toll due by virtue of this act, such person shall forfeit and pay five dollars, to be recovered and applied in manner aforesaid.

Rates of toll to be affixed to said gate.

Penalty on persons injuring any part of the said turnpike, &c.

IX. *And be it further enacted*, That if any toll-gatherer shall unreasonably delay or hinder any traveller or passenger at the gate, or any boat or vessel at the bridge over Flushing-creek, or shall demand or receive more or other toll than is by this act established, he shall, for every such offence, forfeit and pay the sum of two dollars, to be prosecuted for and recovered before any justice of the peace in the said county of Queens, for the sole use of the person so unreasonably detained or attempted to be defrauded.

Toll-gatherers for misconduct how dealt with.

X. *And be it further enacted*, That in case the said bridge and road shall not be built, made and completed within three years from and after the passing of this act, the said corporation hereby created shall cease and be dissolved.

In what case said corporation shall be dissolved.

XI. *And be it further enacted*, That the shares in the said company shall be deemed, taken and considered to be personal estate, and shall and may be transferable in such

Shares deemed personal property.

Accounts how
kept and divi-
dends how
and when to
be declared
and paid.

manner and under such regulations as the president and directors of the said company shall establish.

XII. *And be it further enacted*, That the president and directors of the said company shall keep a just and true account of all monies received by them from the commissioners first named and from the stockholders, and of all monies expended by them in and about the affairs and concerns of the said company, to be laid before the stockholders thereof if required, once in every year on the day of election of directors, and shall keep a just and true account of all monies received by the collectors of toll on the said bridge and road, and shall half yearly make and declare a dividend of the clear profits and income (all contingent charges being first deducted) amongst all the stockholders of the said company; the first dividend to be declared and made six months after the gate or turnpike is opened, and shall publish the half yearly dividend to be made of the clear profit amongst the stockholders and of the times and places when and where the same will be paid, and shall cause the same to be paid accordingly.

Corporation
to account
with the
comptroller.

XIII. *And be it further enacted*, That the said president and directors shall within six months after said road and bridge shall be completed, lodge in the comptroller's office of this state an account of the expenses thereof; and the corporation shall annually exhibit to the comptroller a true account or dividend of all the income arising from said toll, with the annual disbursements on said road and bridge.

Corporation
when to be
dissolved.

XIV. *And be it further enacted*, That the legislature may dissolve the said corporation whenever the income arising from said toll shall have fully compensated the said corporation for all monies they may have expended in purchasing, making, repairing and taking care of said road and bridge, together with an interest thereon of fourteen per centum per annum, and thereupon the right, interest and property of said road and bridge shall be vested in the people of this state, and be and remain at their disposal.

XV. *And be it further enacted*, That this act be and it is hereby declared to be a public act.

*Supplementary
Act March 30
1802 Vol 3^o 82*

C H A P. CXXXIX.

An ACT to incorporate the Catskill Bridge Company.

Passed 4th April, 1801.

Persons here-
in named and
such others as
may associate
with them
made a body
corporate.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That Joseph Graham, Gerrit Abeel, John M. Canfield, George Hale and Solomon Chandler, and their present and future associates, their successors and assigns, be and they are here-

by created a body corporate and politic, by the name of "The president and directors of the Catskill bridge company," for the purpose of building a bridge over the Catskill-creek, at or near the place where the road from Kingston intersests said creek near the red store built by Jacob Bogardus on the west side of said creek, to the road on the east side of said creek leading to the house occupied by Terence Donnally, or at a place betwixt the one above described and a place situate twenty rods above the sloop navigation of the said creek, to be determined as hereafter directed, and they are hereby ordained, constituted and declared to be for ever hereafter a body politic and corporate, in fact and in name, and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and that they and their successors may have a common seal, and make, change and alter the same at their pleasure, and also that they and their successors, by the same name and style, shall be in law capable of purchasing, holding and conveying any estate real and personal, for the use of the said corporation: *Provided*, The real estate so to be holden shall be such only as shall be necessary to promote or attain the objects of this incorporation.

Style of the corporation.

Their privileges.

Proviso.

II. *And be it further enacted*, That Joseph Graham, Gerrit Abeel, John M. Canfield, George Hale and Solomon Chandler, be and they are hereby appointed commissioners, to do and perform the several duties hereinafter mentioned: They shall on or before the first day of June next procure five books, and in each of them enter as follows: "We whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay the president, directors and company of the Catskill bridge company the sum of twenty dollars for every share of stock in the said company set opposite our respective names, in such manner and proportion and at such time and place as shall be determined by the said president, directors and company;" one of which books shall be left with each of the said commissioners at their respective places of abode, who shall keep the same open for the purpose of receiving subscriptions, and every subscriber, shall at the time of subscribing, pay unto either of the said commissioners the sum of three dollars for each share so subscribed, and the commissioners shall as soon as one hundred shares have been subscribed, cause an advertisement to be inserted in the newspaper printed at Catskill, giving at least ten days notice of the time and place the said subscribers shall meet for the purpose of choosing five directors, who shall be stockholders, for the purpose of

Commissioners appointed to perform certain duties

Price of each share of the stock in the said company

5 directors to be chosen.

Who are to elect a president.

managing the concerns of the said company for one year, and the day of choosing the said directors shall for ever thereafter be the anniversary day for choosing directors, and a majority of said directors shall be a quorum and capable of transacting the business of the said corporation, and every act of a majority of said directors so met, shall be binding on the said corporation, and the said directors elected by a plurality of the votes of the stockholders present, shall immediately proceed to the choice of one of their number for president, and the said president and directors may meet from time to time, at such time and place as they may find expedient and direct, and shall have power to make such bye-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state or of the United States, as shall be necessary for the well ordering the affairs of the said corporation.

Amount of subscriptions to the stock of said company

III. *And be it further enacted,* That the said president and directors may continue to receive subscriptions to the stock of the said corporation until there shall be two hundred and fifty shares subscribed, and shall have power to appoint such agents, clerks, workmen and others under them as shall be necessary for executing the business of the said corporation.

Number of shares restricted, and the amount of each.

Votes how apportioned.

IV. *And be it further enacted,* That the number of shares or subscriptions constituting the stock or funds of the said corporation, shall not exceed two hundred and fifty shares, and that the amount to be paid for each share or subscription shall be twenty dollars ; and that each stockholder be entitled to a number of votes proportioned to the number of shares which he or she shall have or hold in his or her name.

No person to erect any bridge or establish any ferry, &c. within certain limits.

V. *And be it further enacted,* That it shall not be lawful for any person or persons to erect any bridge or establish any ferry or ferries across said creek within half a mile up the said creek or one mile down the said creek from the place where the bridge aforesaid shall be erected and built by the said company, neither shall it be lawful for any person or persons to cross the said creek after the aforesaid bridge is completed, within the distance above mentioned, without paying to the corporation for their use, the toll established by law ; but it shall and may be lawful for any person or persons to pass and repass with his or their own boat or on the ice without being subjected to such toll.

Persons not prevented passing in their own boats, &c.

In what case said corporation to be dissolved.

VI. *And be it further enacted,* That in case the aforesaid bridge shall not be erected, built and completed on or before the first day of November, in the year of our Lord one thousand eight hundred and four, then the corporation created by this act shall be adjudged and considered as dissolved.

VII. *And be it further enacted,* That it shall and may be lawful for the said corporation to demand, receive and take for the use of said bridge a toll not exceeding the following rates : Every four wheeled pleasure carriage drawn by two horses, twenty-five cents, if drawn by four horses, thirty-one cents ; every two wheel pleasure carriage drawn by one horse, twelve and an half cents, and if drawn by two horses, fifteen cents ; every waggon and two horses, nineteen cents ; if drawn by four horses, twenty-five cents ; each sled and horses, nineteen cents ; each ox cart and two oxen, nineteen cents, each other yoke of oxen, six cents ; every one horse cart, twelve and an half cents ; every one horse sled, ten cents ; every ox sled drawn by one yoke of oxen, nineteen cents, every other yoke of oxen, six cents ; every man and horse, six cents ; every foot passenger, three cents ; every horse, jack or mule, four cents ; every cow or other neat cattle, two cents ; every sheep, hog or calf, one cent.

Rates of toll

VIII. *And be it further enacted,* That it shall and may be lawful for the said directors to call on and demand from the stockholders respectively all such sums of money by them subscribed or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares and of all previous payments thereon to the said president, directors and company.

Stockholders to pay the sums subscribed when called for under pain of forfeiture of their shares.

IX. *And be it further enacted,* That if any person or persons shall wilfully do or cause to be done any act whatsoever whereby the said bridge, or any thing appertaining to the same shall be impaired, weakened or injured, the person or persons so offending shall forfeit and pay to the said company treble the amount of the damages sustained by means of such offence or injury, to be recovered by said company with costs of suit, and by action of debt in any court of record having cognizance thereof, which action shall in every instance, be considered as transitory in its nature and shall and may be triable in any county in this state.

Persons wilfully injuring said bridge how dealt with.

X. *And be it further enacted,* That said bridge shall be built at least twenty feet wide, and be well covered with plank not less than three inches thick, the sides of said bridge to be secured with good substantial railings and to be so constructed with a draw to open at least thirty feet, so as to conveniently admit masted vessels to pass and repass said bridge, which said passage shall be a free open highway, and shall be freely used without toll or reward.

Said bridge how to be constructed.

XI. *And be it further enacted,* That the said president, directors and company, when they have completed and finished said bridge, shall at all times thereafter, as well by night as by day, provide and keep a sufficient person or persons to attend and open said draw bridge during the season of navigation, and such person or persons so attend-

President, directors and company to provide and keep a person to attend and open said draw bridge.

ing, on sufficient notice being given to them by the master or owner of any vessel having necessary business or occasion to pass said bridge by the blowing a horn or other-ways, such person or persons, so attending said bridge shall immediately open or cause the draw to be opened, and shall permit every such vessel to pass through the said draw unmolested and freely as aforesaid.

Penalty on unnecessarily detaining any master or owner of any vessel in passing the same.

Penalty on master and owners in not passing the same with due diligence.

Where such bridge to be built and by whom to be determined.

Case in which no draw to be made.

This act declared a public act.

In what case said corporation to be dissolved.

Provido.

XII. *And be it further enacted*, That when any vessel shall be unnecessarily detained from passing through the said draw for more than fifteen minutes by the refusal, neglect or delay of any person or persons so attending the said bridge, after such notice given as aforesaid, the said president, directors and company, shall on demand pay to the master or owner of such vessel so unnecessarily detained, the sum of four dollars for every half hour the said vessel shall be detained beyond the said fifteen minutes, and the master or owner of any vessel as aforesaid, at whose request the said draw shall be opened, shall use all due diligence and expedition in passing such vessel through said draw, under the like forfeiture of four dollars for every half hour of unnecessary delay after the said draw shall so have been opened fifteen minutes to admit such vessel to pass through.

XIII. *And be it further enacted*, That the place where the said bridge shall be built (within the limits as mentioned in this act) shall be determined by the judges of the courts of common pleas and general sessions of the peace and the supervisors of the county of Greene, or a majority of them, on or before the first Tuesday in June next, and their determination shall be final and conclusive.

XIV. *And be it further enacted*, That provided the said judges and supervisors shall determine that the most proper place to build said bridge is at the head of sloop navigation, then and in such case it shall not be the duty of the said president, directors and company to make or keep in repair any draw to said bridge, unless the sloop navigation shall hereafter be opened as far up said creek as the store now occupied by Samuel Haight, any thing in this act to the contrary notwithstanding.

XV. *And be it further enacted*, That this act be and is hereby declared to be a public act, and shall be construed benignly and favourably for every beneficial purpose herein intended.

XVI. *And be it further enacted*, That if the same bridge, after the same shall have been completed, shall at any time be impassable for the term of thirty days, that then the said corporation shall cease, and the same is hereby declared in such case to be dissolved; *Provided nevertheless*, That no such dissolution of the said corporation shall take place if the said bridge shall be carried away by ice, freshets or any unavoidable accident, in case the same shall not be

rebuilt within two years after the same shall be so carried away ; *And provided also*, That nothing, in this act contained shall be deemed to inhibit ferriages across the said creek until the said bridge is completed, and during such times as the said bridge shall be so out of repair as not to admit the safe passing the same, and during such times as the said bridge shall be carried away as aforesaid, and remain unbuilt and unfit for passage.

Further
proviso.

C H A P. XCVI.

An ACT to authorize the building of a Toll Bridge over the Mohawk-River.

Passed 31st March, 1801.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That Barent Roseboom, Jacob Eacker, Philip Van Alstine, John Roof, John Jacob Diefendorf, Archibald Kane, Henry Frey Yates, Lawrence Gross, and all such persons as shall associate for the purpose of erecting and building a bridge over the Mohawk-river, between the towns of Canajohary and Palatine in the county of Montgomery, at or near a large round rock near and above the mouth of Canajohary or Schremling's creek, shall be and hereby are made a corporation, in fact and in deed, by the name of The directors and company of the Canajohary and Palatine bridge company, and so to remain for the term of forty years, and by that name they and their successors for and during the said term shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of suits, actions and causes whatsoever, and that they and their successors shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the public use of the said corporation ; *Provided*, That the whole of the estate of the said corporation shall not exceed in value ten thousand dollars ; *And provided further*, That the said corporation shall in no wise build or commence to build the said bridge until they shall have contracted with and satisfied the owners of the land on each side of the said river for liberty and permission so to do.

Persons here-
in named and
such others as
shall associate
with them
made a body
corporate.

Stile of the
corporation.

Proviso.

Further
proviso.

II. *And be it further enacted*, That the stock, property, affairs and concerns of the said corporation, and the manner of obtaining subscriptions thereto, shall be managed, directed and conducted by five directors, who shall be stockholders, and shall together with a treasurer be annually chosen and elected on the first Tuesday in June in

Five direc-
tors and a
treasurer to
be annually
elected.

Vacancies of directors how supplied.

First directors and treasurer named.

Who shall choose a president.

Number of shares and their value.

Votes how apportioned.

Said president and directors to have the disposition of the funds of said corporation.

Power of said corporation.

every year, at such time and at such place as the directors for the time being shall appoint, of which notice shall be given in one of the newspapers printed in the city of Albany, and in the newspaper printed in the county of Montgomery, at least thirty days before the day of meeting ; that all elections for treasurer and directors shall be by ballot, and such persons who shall at any such election have the greatest number of votes given as treasurer shall be the treasurer, and in like manner such five persons who shall have the greatest number of votes at such election shall be directors, and shall hold their offices for one year and until others shall be chosen in their places ; that if any vacancies shall happen among the directors by death, resignation or otherwise, such vacancies shall be filled for the remainder of the year in which they may happen, by the appointment of the other directors for the time being, or a majority of them, and that the first directors shall be Barent Roseboom, Jacob Eacker, John Frey, Conrad Gansvoort and Jonas Oothoudt, and that Adam Roof be the first treasurer, who shall hold their offices until the first Tuesday of June, in the year of our Lord one thousand eight hundred and two, and until others shall be chosen to succeed them ; and that the said directors shall at their first meeting after such election, appoint one of their number president.

III. *And be it further enacted,* That the number of shares or subscriptions constituting the stock or fund of the said corporation, shall not exceed four hundred shares ; that each share shall be twenty-five dollars, and that each stockholder shall be entitled to a number of votes proportioned to the number of shares which he or she shall have or hold in his or her name, according to the following ratio, that is to say : Every owner of one or more shares to the number of four, shall have one vote ; of five shares and under ten, three votes ; of ten shares and less than twenty, five votes ; of twenty shares, eight votes, and one vote for every five shares above twenty.

IV. *And be it further enacted,* That the president and directors for the time being, or a majority of them, shall have the disposition of the funds of the said corporation to and for the uses aforesaid, and shall annually on the first Tuesday in June, lay before the stockholders of the said corporation a general statement of their accounts and proceedings, which said statement of their accounts and proceedings it shall be the duty of the president and directors to lodge with the treasurer, at least ten days previous to such annual meetings, for the inspection and examination of the stockholders ; and the president and directors for the time being, or the major part of them, shall have power to make and prescribe such rules and regulations as to them shall appear needful and proper, touching the

management and disposition of the stock, property and estate of the said corporation, and touching the duties and conduct of their secretary, clerks, agents and servants employed therein, and touching all such matters as appertain to the said corporation, with power to appoint such and so many workmen, clerks and servants for the erecting and building of the said bridge as they may deem necessary.

V. *And be it further enacted*, That such inhabitants as reside within three miles of the said bridge shall not be subject to the payment of any toll for passing and repassing the said bridge on foot for the term of six years after the passing of this act.

Privilege to inhabitants residing within three miles of said bridge.

VI. *And be it further enacted*, That in case the said bridge shall not be erected, built and completed on or before the first day of October, in the year of our Lord one thousand eight hundred and three, then and in such case the corporation by this act created shall be adjudged and considered as dissolved.

Corporation when to be dissolved.

VII. *And be it further enacted*, That as soon as the said bridge shall be completed, and the judges of the court of common pleas in and for the said county, or a majority of them, shall upon inspection certify under their hands

Manner in which the said bridge shall be declared complete.

that the said bridge is well and sufficiently constructed and built, and will admit of the passage of loaded teams and other carriages, it shall and may be lawful for the said president and directors to erect a gate at either end of the said bridge, and demand, receive and take for the use of the said corporation a toll not exceeding the following rates, to wit: Every four wheel pleasure carriage drawn by two horses, nineteen cents, if drawn by four horses, twenty-five cents; every two wheel pleasure carriage drawn by one horse, nine cents, and if drawn by two horses, twelve and an half cents; every waggon and two horses, twelve and an half cents, and if drawn by four horses, nineteen cents; each sled and horses, six cents; each ox waggon or cart and two oxen, twelve and one half cents, each additional yoke of oxen, six cents; every one horse cart, six cents; every one horse sled, six cents; every man and horse, six cents; every foot passenger, two cents; every horse, jack or mule, three cents; every cow or other neat cattle, half a cent; every score of sheep or hogs, ten cents, and so in proportion for a greater or less number.

Toll-gate when to be erected.

Rates of toll.

VIII. *And be it further enacted*, That from and after the expiration of the said term of forty years the said bridge with its appurtenances shall become the property of, and be vested in the people of this state.

Said bridge when to become the property of the state.

IX. *And be it further enacted*, That if the said bridge after the same shall be completed, shall at any time during the said term of forty years, be impassable for the term of thirty days, that the said corporation shall be and the

In what case said corporation to be dissolved.

Proviso.

same is hereby declared in such case to be dissolved ; *Pro-
vided nevertheless*, That no such dissolution shall take
place by reason of the said bridge being carried away by
the ice, if the said bridge shall be rebuilt within eighteen
months after the same shall have been so carried away.

*Bridge how
to be built.*

X. *And be it further enacted*, That the said bridge shall
not be less than twenty feet wide, and shall be well se-
cured with a good and sufficient railing on each side there-
of, not less than four feet and six inches high ; and that
if the navigation of the said river shall during the said
term of forty years, be so improved as to be navigable by
boats with fixed standing masts, the said president, direc-
tors and company shall construct or cause to be construct-
ed a good and sufficient draw at least ten feet wide, and
shall whenever applied to for that purpose by any person
or persons ascending or descending the said river in any
such boat or boats, raise and open the said draw and per-
mit such boat or boats to pass free of any expense ;

Proviso.

*Pro-
vided always*, That nothing in this act contained shall be
construed so as to prejudice the corporate rights of the
western inland lock navigation company.

SPECIAL

Roads and Bridges.

An ACT granting to Alexander J. Turner and Adoni-
jah Skinner an exclusive Right of Running a Stage on
the Route therein mentioned.

Passed March 30, 1798. Sess. 21. ch. lxii.

[As this act will expire on the 1st May, 1803, it was thought unnecessary to re-
print it. E.]

TWENTY-FOURTH SESSION. CHAP. LXXXIX.

An ACT to authorize Robert Merritt and John Merritt to
build a Bridge over the southwest Arm of Saw-Pit-Creek,
in the Town of Rye, in the County of Westchester.

Passed 30th March, 1801.

Robert and
John Merritt
authorized to
build a bridge
at the place
herein defig-
nated.

I. **B**E it enacted by the People of the State of New-York,
represented in Senate and Assembly, That Robert
Merritt and John Merritt, their heirs or assigns, be and they
or either of them are hereby empowered and authorized,
at their own expense, to build a bridge from the public
landing called Saw-pit-point over the southwest arm of
Saw-pit-creek to the land of the said Robert Merritt, be-
tween the store-house belonging to Silvanus Seaman, and
the bake-house belonging to Benjamin Rockwell, and south
of the said store-house and not within two rods of the same,
agreeable to the dimensions and directions following, that

is to say : The said bridge shall not be less than fifteen feet wide, with good and sufficient railings on each side, and be so constructed that it shall have a good and sufficient draw of not less than twenty feet wide, for the free passage of vessels with their masts standing.

To be constructed with a draw, &c.

II. *And be it further enacted*, That if any person shall neglect or refuse to close the said draw within thirty minutes after they have passed through the same, they shall forfeit and pay for every such neglect or refusal two dollars, to be recovered by the said Robert Merritt and John Meritt, or their heirs or assigns, in an action to be brought before any justice of the peace in said county, with costs of suit.

Persons passing the said draw to close the same, under a penalty.

III. *And be it further enacted*, That the said Robert Merritt and John Merritt, their heirs and assigns, be and they are hereby authorized to build the said bridge on the express condition, that the said bridge when completed, shall be a public bridge ; and that they the said Robert Merritt and John Merritt, or their heirs or assigns, give to the public, land for a good and sufficient road from the said bridge to a place called Negro-point adjoining Byram-river, and a sufficient quantity of land at said point for a public landing, which shall be for no other use, and to be laid out by the commissioners of highways where they shall judge it most convenient for the public.

Conditions on which said bridge to be built.

C H A P. CXII.

An ACT to authorize John Drake, junior, and Samuel Bogardus to erect a Bridge across Wappinger's Creek in the County of Dutchess.

Passed 2d April, 1801.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That John Drake junior, and Samuel Bogardus, their heirs or assigns, shall be and hereby are authorized, at their own costs and expenses, to erect and build a bridge across the mouth of the Wappinger's creek in the county of Dutchess, to extend from or near the wharf of the said John Drake junior, which is on the southeastern side of the said creek to a point of land opposite thereto, known by the name of the Sandy-point distant about one hundred and nineteen feet from the said wharf (the fee of the said land on both sides of the said creek being in the said John Drake junior) said bridge to be built of wood sufficiently strong for the safe passage of loaded carts and waggon, to be supported by piles well driven into the bottom of the said creek ; said bridge to be built at least fourteen feet wide, and to be well covered with oak or pine plank not less than three in-

John Drake jun. and Samuel Bogardus authorized to build a bridge at the place herein mentioned.

To be constructed with a draw, &c. and the same to be passed free.

ches thick, the lower string pieces to lie so high as at common high water. to be at least six feet above the water ; the sides of the said bridge to be secured by close substantial railings, and to be so constructed, with a draw to open at least twenty-four feet, so as conveniently to admit masted vessels to pass and repass said bridge, and that the residue of the piles to be so drove as to leave another space of thirty feet clear in the channel of the waters of said creek under the said bridge, both which said passages shall be a free open highway, and shall be freely used without toll or reward.

Said bridge when to be completed, &c.

II. *And be it further enacted,* That the said John Drake junior and Samuel Bogardus, shall on or before the first day of April, in the year one thousand eight hundred and two, compleat and finish said bridge, and shall at all times thereafter, as well by night as by day, provide and keep sufficient person or persons to attend and open the said draw bridge during the season of navigation ; and such person or persons so attending, on sufficient notice being given to them by the master or owner of any vessel having necessary business or occasion to pass said bridge, by the blowing of a horn or otherwise, such person or persons so attending said bridge shall immediately open or cause the said draw to be opened, and shall permit every such vessel whose mast cannot easily be unstepped, or whose lading will not admit of her passage under the said bridge, to pass through the said draw unmolested and freely as aforesaid.

Penalty on detaining any vessel unnecessarily at said bridge,

III. *And be it further enacted,* That when any such vessel, masted or laden as aforesaid, shall be unnecessarily detained from passing through said draw for more than fifteen minutes, by the refusal, neglect or delay of any person or persons so attending the said bridge after such notice given as aforesaid, the said John Drake junior and Samuel Bogardus shall on demand, pay to the master or owner of such vessel so unnecessarily detained, the sum of four dollars for every half hour such vessel shall be so detained beyond the said fifteen minutes ; and the master or owner of any masted vessel as aforesaid, at whose request the said draw shall be opened, shall use all due diligence and expedition in passing such vessel through said draw, under the like forfeiture of four dollars for every half hour of unnecessary delay after the said draw shall so have been opened to admit such vessel to pass through.

And on the master or owners of such vessels in not using due diligence in passing the same.

Penalty on persons wilfully damaging said bridge.

IV. *And be it further enacted,* That any master or owner of any vessel, or any person or persons whatsoever, who in passing through the said draw bridge, or at any other time, shall wilfully injure or damage said bridge, or any part thereof with a vessel or otherwise, such master or owner of such vessel, or other person or persons so offending, shall on demand pay to the said John Drake junior

and Samuel Bogardus, or their proper representatives, such sum or sums of money as shall be amply sufficient to repair such damages.

V. *And be it further enacted*, That whenever any rafts of saw logs or other lumber, shall be brought to the said bridge to be passed up the said Wappinger's creek, and such raft of saw logs or other lumber shall be so large as that the space under the bridge will not admit the passing thereof without breaking up such raft, then the said John Drake junior and Samuel Bogardus, their heirs and assigns, shall at their own expense within twenty-four hours after due notice given by the owner or conductor of such raft to the person or persons attending said bridge, cause such raft to be passed above or below said bridge, and shall there within twelve hours, deliver such raft to the owner or conductor thereof in as good order and connected together as it was when delivered to them, and shall be answerable to the owner or conductor of such raft for all damages which may have been sustained in separating and again connecting such raft, and in passing the same above said bridge.

Duty of the said John and Samuel in the passing of rafts.

VI. *And be it further enacted*, That if the said John Drake junior and Samuel Bogardus, their heirs or assigns, shall neglect or refuse to keep the said bridge in proper and sufficient repair within a reasonable time after any injuries shall happen to the same, or shall neglect or refuse to comply with the terms mentioned in this act, or if the said bridge shall cause material obstructions in the channel of the said creek by sand bars or otherwise, and shall thereby become a public nuisance, and complaint thereof being made to the court of general sessions of the peace held in and for the county of Dutchess, the said court on due proof thereof, shall have power to order the said nuisance or bridge to be removed at their discretion.

In what case said bridge to be removed.

VII. *And be it further enacted*, That this act shall continue in force for the term of seven years from and after the first day of April, one thousand eight hundred and two, and no longer; and that all forfeitures and penalties incurred by virtue of this act shall be recovered, with costs of suit, in any court within this state having cognizance thereof.

This act how long to be continued in force, &c.

SPECIAL Incorporations.

[Several of the acts under this head relate exclusively to the private interests of the individuals incorporated, and the community at large are not particularly interested therein or affected by them. In all such cases it has been deemed sufficient to print the titles of the acts only. *E.*]

SEVENTH SESSION. CHAP. XXX.

An ACT to remove Doubts concerning the Corporation of the Chamber of Commerce, and to confirm the Rights and Privileges thereof.

Passed 13th April, 1784.

All former rights to be enjoyed by the present corporation.

III. **A**ND be it further enacted by the authority aforesaid, That the corporation of the chamber of commerce of the state of New-York, and their successors, shall and may for ever hereafter peaceably have, hold, use and enjoy all and every the rights, powers, liberties, privileges, franchises, usages, lands, tenements, estates and hereditaments, which have heretofore by virtue of the above recited charter been given or granted unto the said corporation, by the name of the corporation of the chamber of commerce of the city of New-York in America.

[The charter was recited at large in the preamble to this act. E.]

An ACT for the Payment of certain Sums of Money, and for other Purposes therein mentioned.

Passed 5th May, 1786. Sess. 9, ch. lxvi.

[The 29th sect. of this act and that only related to the N. York marine society. E.]

THIRTEENTH SESSION. CHAP. XXVI.

An ACT to incorporate the Stockholders of the New-York Manufacturing Society.

Passed 16th March, 1790.

Preamble.

WHEREAS James Nicholson and others, associated as a company under the style of the New-York manufacturing society, for the laudable purposes of establishing manufactories, and furnishing employment for the honest industrious poor, by their petition presented to this legislature have prayed to be incorporated, to enable them more extensively to carry into effect their patriotic intentions : Therefore,

Stockholders of the manufacturing society incorporated, and style of the corporation.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That all such persons who now are and hereafter shall be stockholders of the said society, shall be and hereby are ordained, constituted and declared to be one body corporate and politic, in fact and in name, by the name of "The New-York manufacturing society," and that by that name they and their successors, for twenty-five years hereafter, shall and may have succession ; and shall be persons in law capable of suing and being sued, pleading and of being impleaded, answering and being answered unto, defending and being defended in all*

courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also that they and their successors, by the name of the New-York manufacturing society, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the public use of the said corporation; *Provided*, That the whole of the stock and real estate of the said corporation shall never exceed sixty thousand pounds current money of New-York.

Stock not to exceed 60,000 pounds.

II. *And be it further enacted by the authority aforesaid*, That the stock, property, affairs and concerns of the said corporation shall be managed and conducted by twelve directors, who shall be stockholders; and shall together with a treasurer be annually chosen and elected on the third Wednesday in March in every year, at such time of the day, and at such place in the city of New-York as the directors for the time being, shall ten days at least prior to the day of election appoint, by notice thereof in two of the public newspapers of this state; that all elections for the treasurer and directors shall be by ballot, and such person who shall at any election have the greatest number of votes given at such election as treasurer, shall be the treasurer, and in like manner such twelve persons who shall have the greatest number of votes at such election, shall be the directors, and shall hold their offices for one year; that if any vacancies shall happen among the directors by death, resignation or removal, such vacancies shall be filled for the remainder of the year in which they may happen in the same manner as the annual elections are made, at such times and places as the remainder of the directors for the time being shall appoint; that the first directors shall be James Nicholson, James Renwick, Henry Tenbrook, William W. Gilbert, John Lawrence, John Murray junior, White Matlack, Jacob Hallet, William Maxwell, James Watson, Nicholas Cruger and Matthew Clarkson; and the first treasurer, Alexander Robertson, who shall hold their offices until the third Wednesday in March next, and until others shall be chosen in their places.

Affairs of said corporation to be managed by twelve directors, who, with a treasurer, to be annually chosen.

Vacancies how filled up.

Names of the first directors.

III. *And be it further enacted by the authority aforesaid*, That each share of the stock of the said corporation shall be ten pounds current lawful money of this state; and that each stockholder be entitled to a number of votes proportioned to the number of shares which he or she shall have or hold in his or her name, according to the following ratios, that is to say: Every owner of one or more shares, to the number of four, shall have one vote; of five shares and less than ten, three votes; of ten shares and less than twenty, five votes; of twenty shares, eight votes; and one vote for every ten shares above twenty.

Amount of each share of stock, and votes how apportioned.

Directors to meet four times a year and to have the disposition of the funds, &c.

And to make bye-laws, &c.

Provided.

This act declared a public act.

Stockholders may vote by themselves or agents.

Treasurer to subscribe 100 shares for the State.

IV. *And be it further enacted by the authority aforesaid,* That the directors for the time being, shall regularly meet on the fourth Wednesday of March, June, September and December in every year, and at such other times as they may judge expedient ; and the said directors for the time being, or a major part of them, shall have the disposition of the funds of the said corporation ; and shall annually on the third Wednesday in March lay before the stockholders of the said corporation, a general statement of their accounts and proceedings ; which same statement of accounts and proceedings, it shall be the duty of the directors to lodge with the treasurer, at least ten days previous to such annual meetings, for the inspection and examination of the stockholders ; and the directors for the time being, or the major part of them, shall have power to make and prescribe such bye-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, and touching the duties and conduct of their secretary, clerks, agents and servants employed therein ; and touching all such matters as appertain to the said corporation, with powers to appoint such and so many officers, clerks and servants for carrying on the said business, and with such allowances and salaries as shall to them seem meet ; *Provided,* That such bye-laws, rules and regulations be not repugnant to the constitutions and laws of the United States or of this state.

V. *And be it further enacted by the authority aforesaid,* That this act be and hereby is declared to be a public act, and shall be construed benignly and favourably for every beneficial purpose herein intended.

VI. *And be it further enacted by the authority aforesaid,* That the stockholders entitled to vote agreeable to this act, may give their respective votes either by themselves or their agents thereunto specially appointed.

VII. *And be it further enacted by the authority aforesaid,* That the treasurer of this state be and he is hereby authorized and required, in his own name to subscribe, and out of any unappropriated monies in the treasury to pay for one hundred shares in the stock of the said corporation, and to hold and manage the same for the use of the people of this state.

An ACT to incorporate the Society of Mechanics and Tradesmen of the City of New-York, for charitable Purposes.

Passed 14th March, 1792. Sess. 15, ch. xxvi.

SIXTEENTH SESSION. CHAP. LIX.

An ACT to incorporate the Society, instituted in the State of New-York, for the Promotion of Agriculture, Arts and Manufactures.

Passed the 12th of March, 1793.

WHEREAS several persons in the state of New-York Preamble.
have by a voluntary agreement associated themselves for the laudable purpose of promoting agriculture, arts and manufactures in this state ; *And whereas*, The said society have presented a petition to the legislature, setting forth, that the petitioners considering that the wealth and prosperity of a country very much depend upon the flourishing state of its agriculture, arts and manufactures, and observing the benefit which in other countries have accrued from the institution of societies for the purpose of encouraging those great objects, have voluntarily associated themselves, with a view of collecting from different parts of the state, the different modes of agriculture that are in practice, to suggest such improvements as may be found to be beneficial ; to excite among their fellow citizens a spirit of making experiments for the amelioration of lands which have been exhausted, or in their natural state are unproductive or unfit for cultivation ; for encreasing the produce of such articles as are propagated amongst us, and promoting the culture of others which have been found useful in other parts, and for the improvement of field husbandry in general ; and to introduce, as far as circumstances may render proper, an emulation for the establishment of useful arts and manufactures in those parts of the state where they can be beneficially carried on ; that the petitioners conceive it would greatly conduce to advance the important ends of their association, if they were authorized to act as a corporate body and possess property to such amount as would enable them to effectuate their purposes more satisfactorily to themselves and more beneficially to the public ; they therefore prayed that the legislature would be pleased by law to incorporate the society for the purpose aforesaid, under such limitations and restrictions as to the legislature shall seem meet : Therefore,

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That Robert R. Livingston, John Sloss Hobart, Samuel L. Mitchel, John M'Kesson, Mathew Clarkson, Samuel Bard, John Cantine, Samuel Jones, Thomas Tillotson, Joseph Hasbrouck, James G. Graham, Jacobus Swartwout, Melancton Smith, Abraham Hardenbergh, John Gelston, William W. Gilbert, David R. Floyd Jones, George Clinton, Aquila Giles, Ezra L'Hommedieu, John Schenck, James Hunter, Egbert Benson, John Blagge, John P. Delancey, Francis Childs, John Watts, Peter Vandervoort, Henry Will,

R. R. Livingston and others made a body corporate.

Ebenezer Purdy, Josiah Ogden Hoffman, John Smith of Suffolk county, Cornelius J. Bogart, William Dunlap, Walter Rutherford, Philip Van Cortlandt, John Williams, Richard Varick, John Jay, Elias Newman, Amasa Dingley, Gilbert Colden Willett, Stephen Lush, John Stevens, John Kemp, Abraham Beach, Samuel Nicoll, Jonathan N. Havens, John L. Gardiner, Frederick Rhineland, Pierre De La Bigarre, Edward Livingston, John Thurman, Jeremiah Van Rensselaer, James Duane, Simeon De Witt, Nathaniel Sackett, William Rhineland, Samuel Russel, Moses De Witt, David Frederick Laring, John Nicholson, Andrew King, John Barber, Joseph Barber, Johannes Miller, William Thompson, David Ogden, John Delafield, Horatio Gates, Benjamin Strong, and Samuel Jones junior, and such other persons as shall from time to time become members of the said society, shall be and hereby are ordained, constituted and declared to be one body corporate and politic, in deed, fact and name, by the name of The society for the promotion of agriculture, arts and manufactures ; and that by that name they and their successors until the first day of May, one thousand eight hundred and four, shall have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever ; and that they and their successors may have a common seal, and change and alter the same at their pleasure, and that they and their successors, by the same name, shall be persons capable in law to purchase, take, receive, hold and enjoy to them and their successors, any real estate in fee simple or for term of life or lives, or otherwise ; and any goods, chattels or personal estate, for the purpose of enabling them the better to carry into execution, encourage and promote such measures as may tend to promote agriculture, arts and manufactures in this state ; *Provided*, The clear yearly value of such real and personal estates shall not exceed the sum of eight hundred pounds lawful money of New-York, and that they and their successors shall have full power and authority to give, grant, sell, lease, demise and dispose of the said real and personal estates, or any part thereof at their will and pleasure ; and that they and their successors shall have power from time to time, to make, constitute, ordain and establish such bye-laws, constitutions, ordinances and regulations as they shall judge proper for the election of their officers, for the election or admission of new members of the said corporation, and the terms and manner of admission, for the better government and regulation of their officers and members, for fixing the times and places of the meeting of the said corporation, and for

Style of the
corporation.
Their powers

Yearly value
of estate not
to exceed
800l.

regulating all the affairs and business of the said corporation ; *Provided*, That such bye-laws and regulations shall not be repugnant to the constitution or laws of the United States or of this state ; and for the better carrying on the business and affairs of the said corporation, there shall be a president, vice-president, treasurer and two secretaries of the said corporation, who shall hold their offices from the time of their appointment or election until the second Tuesday of January then next, and until others shall be chosen in their places ; and that the said Robert R. Livingston is hereby appointed president, the said John Sloss Hobart, vice-president, and the said Samuel Jones, treasurer, and the said Samuel L. Mitchell and Samuel Jones junior, secretaries of the said corporation ; and that their successors in office shall hereafter be chosen by the members of the said corporation, in such manner and at such times and places as shall be directed by the bye-laws of the said corporation to be made for that purpose ; and that the president or vice-president, and any twelve or more of the members of the said corporation, shall be sufficient to constitute a legal meeting of the said corporation.

Proviso.

Officers first named.

II. *And be it further enacted*, That the members of the legislature, who shall not be styled members of the said corporation, be nevertheless in virtue of their stations honorary members of the said corporation, and shall sit but not vote as such for officers, or have any voice in the disposition of their funds.

Members of the legislature honorary members of said society.

EIGHTEENTH SESSION. CHAP. LXI.

An ACT to incorporate the Contributors of the New-York Dispensary.

Passed the 8th of April, 1795.

WHEREAS it is represented to the legislature, that John Rodgers, John Henry Livingston, Abraham Beach, John Watts, Mathew Clarkson, Jacob Morton, Moses Rodgers, John Charleton, Samuel Osgood, Lawrence Embree, John Cozine, John Broom and James Watson, and their associates, inhabitants of the city of New-York, have become contributors to a dispensary, for the purpose of relieving such sick, poor and indigent persons as are unable to procure medical aid ; *And whereas*, It is further represented, that the said contributors will by being incorporated, be enabled to carry their benevolent intentions into more extensive effect : Therefore,

Preamble.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the said John Rodgers, John Henry Livingston, Abraham Beach, John Watts, Mathew Clarkson, Jacob Morton, Moses Rodgers,

John Rodgers and others made a body corporate.

Style of the
corporation.

Their powers

Proviso.

Thirteen trust-
ees to man-
age the con-
cerns of said
corporation.

First trustees
named.

Future trust-
ees how to
be chosen.

John Charleton, Samuel Osgood, Lawrence Embree, John Cozine, John Broom and James Watson, together with their associates, being contributors to the said dispensary, and such other persons as shall hereafter become members of the corporation hereby erected, shall be and are hereby ordained, constituted and declared to be one body corporate and politic, in fact and in name, by the name of "The trustees of the New-York dispensary;" and that by that name they and their successors for ever hereafter, shall and may have succession, and may by the said name be persons capable in the law to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, in all manner of action and actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and that they and their successors, by their said name, shall for ever hereafter be persons capable in the law to purchase, take, hold, receive and enjoy, to them and their successors, any real estate whatsoever, and all other hereditaments, of whatsoever nature, kind or quality they be, in fee simple for term of life or lives, or in any other manner howsoever; and also any goods, chattels and personal estate whatsoever; *Provided always*, The yearly income of the said real and personal estate and hereditaments, doth not at any time exceed the sum of twelve hundred pounds current money of New-York; and that they and their successors, by the same name, shall have full power and authority to lease the said real estate and hereditaments, on such terms as they shall judge most beneficial; and also to dispose of all such personal estate at their will and pleasure, as they shall judge most beneficial and advantageous to promote the humane purposes of the said corporation.

II. *And be it further enacted*, That there shall be for ever hereafter, thirteen trustees of the said corporation, who shall conduct and manage the affairs of the said corporation; that the said trustees shall be contributors to the said dispensary, actually resident in the said city of New-York, and the first trustees of the said corporation shall be John Rodgers, John Henry Livingston, Abraham Beach, John Watts, Mathew Clarkson, Jacob Morton, Moses Rodgers, John Charleton, Samuel Osgood, Lawrence Embree, John Cozine, John Broom and James Watson, who shall hold their said offices until the second Monday in January next ensuing.

III. *And for keeping up the succession in the said offices, Be it further enacted*, That on the said second Monday in January next ensuing, and yearly and every year for ever thereafter, on the second Monday in January in every year, the members of the said corporation shall meet

at some convenient place in the city of New-York, to be fixed by the bye-laws of the said corporation, and there, by the majority of such of them as shall so meet, shall by ballot elect thirteen of their members to be trustees of the said corporation for the year ensuing, who shall immediately enter upon their said offices and hold the same from the time of such election for and during the space of one year, and until others shall be elected in their stead ; and in case any of the said persons elected to be trustees of the said corporation, or who shall hereafter be elected thereto, shall die or remove out of the city of New-York before the time of their appointed service shall expire, or shall refuse or neglect to act in and execute the said office, then and in every such case, the remaining trustees of the said corporation, shall within thirty days thereafter, by ballot elect another or others of the members of the said corporation in the stead of him or them so dying or removing; refusing or neglecting to act, and that such person or persons as shall have the greatest number of votes at every such election, shall hold their said offices from the time of such election until the second Monday in January then next ensuing, and until other or others shall be chosen in his or their stead.

IV. *And be it further enacted,* That the trustees of the said corporation shall regularly meet on the third Monday in every month, and at such other times as they may judge expedient ; and that any seven or more of the said trustees being so convened together, shall for ever hereafter be a legal meeting of the said corporation ; and that at any and every such legal meeting of any seven or more of the trustees of the said corporation, it shall be lawful for them or a majority of them, to make such bye-laws, rules and regulations, for the management and disposal of the property and estate of the said corporation, and the government of the said dispensary, and the same or any part of them to alter, amend or repeal from time to time, as they or a major part of them so met shall think proper ; *Provided,* Such bye-laws, rules and regulations be not repugnant to the constitution and laws of the United States or of this state ; and that at any such legal meeting of any seven or more of the said trustees of the said corporation, it shall and may be lawful for them or the majority of them so met as aforesaid, to nominate and appoint one of the said trustees of the said corporation to be their president and one other to be treasurer, and any other competent person to be secretary of the said corporation ; and also to appoint so many physicians, surgeons, apothecaries, officers and servants, and with such compensations as to them shall seem meet, and whenever they shall think proper, to discharge them or any of them, and to appoint other or others in their stead.

Trustees
when to meet
and what
number to
form a quorum.

Powers of the
trustees.

All persons
paying cer-
tain sums to
become mem-
bers of said
corporation.

V. *And be it further enacted*, That any male adult person, who shall contribute for the benefit of this corporation the sum of five dollars, shall by virtue of such contribution become a member thereof, and continue so to be for the space of one year from and after the time of his making such contribution ; and any like person who shall contribute ten dollars for the like purpose, shall be a member thereof two years ; and any like person who shall contribute any greater number of sums of five dollars each, not exceeding nine, shall be a member of the said corporation such number of years, not exceeding nine, as shall be equal to the number of sums of five dollars each so by him contributed ; and any like person who shall contribute fifty dollars for the like purpose, shall be a member of the said corporation for life ; and every contributor of the value of five dollars or upwards, shall be entitled to have such number of patients (being proper objects of this institution) on the dispensary list, and for such term of time as shall be prescribed by the bye-laws of the corporation.

Trustees an-
nually to ex-
hibit their
accounts to
the chancel-
lor of this
state.

VI. *And be it further enacted*, That it shall be the duty of the trustees of the corporation hereby created, to exhibit annually between the first and last days of May in each year, to the chancellor of this state, a full and particular account of all the estate both real and personal then vested in the said corporation, and of the rent or income thereof, attested by the oath of the treasurer thereof, that the same is a true and perfect account, together with a particular and detailed account of all the monies expended by the said corporation in the preceding year, specifying the several purposes to which it has been applied ; and if it shall appear to the said chancellor, that the amount of the said property, or the disposal of the same is not agreeable to the true intent and meaning of this act, he shall report the same to the legislature at their next ensuing session.

This act de-
clared a pub-
lic act.

VII. *And be it further enacted*, That this act shall be and is hereby declared to be a public act, and shall be construed benignly and favourably for every beneficial purpose herein intended.

An ACT to incorporate the Stockholders of the Hamilton
Manufacturing Society.

Passed 30th March, 1797. Sess. 20, ch. 68.

An ACT to incorporate the Firemen of the City of New-
York.

Passed March 20th, 1798. Sess. 21, ch. 40.

An ACT to incorporate the Stockholders of the United Insurance Company in the City of New-York.

Passed March 20, 1798. Sess. 21, ch. 41.

An ACT to incorporate the Mutual Assurance Company of the City of New-York.

Passed March 23d, 1798. Sess. 21, ch. 46.

An ACT to incorporate the Stockholders of the New-York Insurance Company.

Passed April 2d, 1798. Sess. 21, ch. 71.

An ACT to amend an Act, entitled "An Act to incorporate the Stockholders of the New-York Insurance Company."

Passed 4th April, 1800. Sess. 23. ch. 84.

An ACT to amend the Act, entitled "An Act to incorporate the Stockholders of the New-York Insurance Company."

Passed 6th March, 1801. Sess. 24, ch. 19.

TWENTY-FIRST SESSION. CHAP. CIII.

An ACT to incorporate the Northern Missionary Society in the State of New-York.

Passed April 6th, 1798.

WHEREAS John B. Smith and certain other persons have formed themselves into a society, by the name and style of The northern missionary society in the state of New-York, for the purpose of propagating the gospel among the Indian tribes, and in those frontier places of our country which are destitute of gospel ordinances and the advantages resulting therefrom, and have by their petition to the legislature prayed to be incorporated, in order the better to promote the above laudable purpose ; Therefore,

Preamble.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That all such persons as now are or hereafter may become members of the said society, shall be and hereby are ordained, constituted and appointed a body politic and corporate, in fact and in name, by the name of "The northern missionary society in the state of New-York ;" and that by that name they and their successors shall and may for ever hereafter have

J. B. Smith and others made a body corporate.

Style of the corporation.

Their powers continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, in all courts and places whatsoever, in all manner of action and actions, suits, matters, complaints and causes whatsoever ; and that they and their successors may have a common seal, and may change and alter the same at their pleasure ; and also that they and their successors, by the name of the northern missionary society in the state of New-York, shall be in law capable of purchasing, holding and conveying any estate real or personal, for the use of the said society ; *Provided always*, That such real and personal estate shall not at any time exceed the annual value of fifteen hundred dollars.

Officers of said society, their time and manner of election, &c.

Vacancies how to be filled.

Officers first named.

What number of members to have the power of adjourning, &c.

Corporation empowered to make bye-laws.

II. *And be it further enacted*, That for the better carrying into execution the objects of the said society, there shall be a president, vice-president, twenty-four directors, a secretary, treasurer and clerk, who shall hold their offices for one year, or until others are chosen in their room, and shall be elected on the first Tuesday in February in every year, or at such other time and at such place as the corporation shall from time to time appoint ; and that every such election shall be by ballot by a majority of the members present at every such meeting ; and that in case any vacancies should happen in either of the said offices by death, resignation or otherwise, such vacancies shall and may be filled up for the remainder of the year in which they shall happen, by a special election for that purpose, to be held in the same manner as the annual elections are made, and at such places and times as shall be appointed by the bye-laws of the said corporation.

III. *And be it further enacted*, That John B. Smith shall be the first president, and James Proudfit the first vice-president of the said society, John Close, Samuel Smith, Isaac Labaugh, John B. Johnson, William M'Canley, James Mairs, John Dunlap, Alexander Proudfit, James Gordon, Abraham Eight, Isaac Hutton, Jacob D. Vanderheyden, Abraham Oothoudt, William Bell, Christian Miller, Abraham Hun, John Demorest, Cornelius Van Vechten, John Bassett, Elijah Janes, Cornelius P. Wyckoff and Dirck Romeyne, the first directors, Jonas Coe the first secretary, John B. Johnson the first clerk, and Elbert Willet the first treasurer thereof, who shall hold their offices respectively until the first Tuesday in February next, or until others shall be chosen in their room.

IV. *And be it further enacted*, That at every ordinary or extraordinary meeting of the society, when twelve members are met, they shall have power to adjourn from time to time, and when fifteen are met, they shall have full power to do and transact all the business thereof.

V. *And be it further enacted*, That the said corporation and their successors, shall have full power to make, con-

stitute, ordain and establish such bye-laws, rules, ordinances and regulations, as they from time to time shall judge proper for the election of their officers, for the election or admission of new members of the said corporation, and the terms and manner of admission, and the sums that shall be paid yearly by the members of the said society ; *Provided always*, That such sum shall not exceed the sum of two dollars yearly and every year ; and also, for the management and disposition of their stock, property, estate and effects, for the purposes of carrying into effect the objects of this society, and for fixing the times and places of the meetings of the said society, and touching the duties and conduct of the officers of the said corporation, and all such other matters as appertain to the business, end and purposes for which the said corporation is by this act constituted, and for no other purposes whatsoever ; *Provided always*, That no regulation shall be made in any wise to controul the religious principles, or affect the rights of conscience of any person whatsoever ; *And provided further*, That such bye-laws, rules and regulations, be not repugnant to the constitution and laws of the United States or of this state.

Provide.

Further proviso.

Further proviso.

VI. *And be it further enacted*, That this act be, and hereby is declared to be a public act, and that the same be construed in all courts and places favourably for every purpose therein intended.

This act declared a public act.

TWENTY-SECOND SESSION. CHAP. XXIII.

An ACT to incorporate the Society of the Lying-in Hospital of the City of New-York.

Passed 1st March, 1799,

WHEREAS Thomas Pearsall, John Christopher Kunze, Robert Lenox, Cornelius Ray, Archibald Gracie, John Stark Robertson, Henry Remsen, William Houston, Andrew Hamersly, John Charlton, David M. Clarkson, William Jauncey, J. C. Vanden Heuvel and others, influenced by principles of benevolence and charity, associated as an institution under the style of The society of the lying-in hospital of the city of New-York, for the useful purpose of establishing an asylum for the reception of women in a state of pregnancy, who are unable to procure the necessary medical assistance and nursing during the period of their confinement in child-bed, by their petition presented to the legislature have prayed to be incorporated, the better to enable them to carry into effect the salutary object of their institution : Therefore,

Preamble.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all such persons as

Certain persons made a body corpo-

vate, and style
of the corpo-
ration.

Their privi-
leges ;

And restric-
tions.

Future sub-
scribers to be
deemed mem-
bers.

Present gov-
ernors how
long to con-
tinue in
office, &c.

now are or hereafter shall be members of the said institu-
tion, shall be and hereby are ordained, constituted and de-
clared for ever a body corporate and politic, in fact and
in name, by the name of " The society of the lying-in hos-
pital of the city of New-York ;" and by that name they and
their successors shall and may have continual succession,
and shall be persons in law capable of suing and being sued,
pleading and being impleaded, answering and being an-
swered unto, defending and being defended, in all courts
and places whatsoever, in all manner of actions, suits, com-
plaints, matters and causes whatsoever ; and that they and
their successors may have a common seal, and may change
and alter the same at their pleasure ; and also that they
and their successors by the name of " The society of
the lying-in hospital of the city of New-York," shall be
in law capable of purchasing, receiving, holding and con-
veying any estate real or personal for the use of the said
corporation ; *Provided*, That the lands, tenements and
hereditaments, which it shall be lawful for the said corpo-
ration to hold, shall be only such as shall be requisite for
the purpose of erecting a public building, and such houses
or other buildings as may be suitable and necessary to the
nature of the said institution, or such as shall have been *bona
fide* mortgaged to it by way of security, or conveyed to it
in satisfaction of debts previously contracted in the course
of its business, or purchased at sales on judgment, which
shall have been obtained for such debts ; and with regard
to all such lands, tenements and hereditaments so to be
held by the said corporation as aforesaid, except such as
may be for its immediate accommodation as aforesaid, or
such as it may hold by way of mortgage, and whereof the
actual possession shall be and remain in the mortgagors,
their heirs or assigns, the said corporation shall be bound to
sell and dispose of the same respectively, within five years
after it shall acquire the same, and shall not be capable of
holding the same after the expiration of the said five years.

II. *And be it further enacted*, That all persons who now
are members of the said institution, or shall at any time
hereafter subscribe to the same, shall be deemed and taken
for members of this corporation, and that the property and
concerns of the said corporation shall be managed and con-
ducted by thirteen governors, to be chosen by ballot, by
and from the said subscribers ; that the following persons,
that is to say : Thomas Peatsall, John Christopher Kunze,
Robert Lenox, Cornelius Ray, Archibald Gracie, John
Stark Robertson, Henry Remsen, William Houston, An-
drew Hamersly, John Charlton, David M. Clarkson, Wil-
liam Jauncey and J. C. Vanden Heuvel, shall be the pre-
sent governors of the said corporation, and shall continue in
office until the second Wednesday in April, in the year
one thousand and eight hundred, when a new election shall

be made at the hour and place to be appointed by the said governors ; that the election for governors after the year one thousand and eight hundred, shall be held annually on the second Wednesday in April, at such place and hour as a majority of the governors for the time being shall appoint, of which election public notice shall be given by the said governors for the space of one week in two of the daily newspapers printed in the said city ; that if any vacancy shall happen among the said governors so elected, by death, resignation or removal, such vacancy shall be filled by a special election for the purpose, to be held in the same manner as the annual elections are made, and at such time and place as shall be provided for by the bye-laws of the said corporation ; and in case it should happen that an election of governors should not be held on any day, when pursuant to this act it ought to have been made, the corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold an election of governors, in such manner as the bye-laws of the said corporation shall prescribe.

Vacancies
how to be
filled up.

Elections not
held on the
day ordered
by this act
not to cause a
dissolution of
the corpora-
tion.

III. *And be it further enacted,* That the governors shall not take or receive any compensation for their services ; and for the time being shall have power to make and prescribe such bye-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, and touching the duties and conduct of the officers of the said corporation, and touching all other matters as appertain to the business, ends and purposes for which the said corporation is by this act instituted ; and shall also have power to appoint an apothecary, house-pupils, matron, steward, nurses and servants for carrying on the business of the said institution ; *Provided,* That for the appropriation or disposal of any of the capital stock a number not less than seven shall constitute a quorum, of which number the president or in his absence the vice-president of the board to be appointed in virtue of this act shall be one ; *Provided also,* That such bye-laws, rules and regulations shall not be repugnant to the constitution and laws of the United States or of this state.

Governors
not to take
or receive a-
ny compensa-
tion for their
services, but
authorized to
make bye-
laws, &c.

Provide.

*Further
provide.*

IV. *And be it further enacted,* That the governors at their first meeting, and also at their first meeting in every year next after the said annual election on the second Wednesday in April, shall elect by ballot from their number a president, vice-president, a treasurer and a secretary, and that the officers thus elected, shall immediately enter upon their respective offices and hold the same until the next election of governors, and it shall be the duty of the president or vice-president to preside at all meetings of the governors,

Governors to
elect a presi-
dent, vice-
president,
treasurer and
secretary.

Their duties.

Attendant
physicians
not to exceed
four, and how
to be elected.

V. *And be it further enacted*, That the governors shall propose at one meeting and elect by ballot at the next a number of physicians, not exceeding four, to attend the said hospital, and to render all necessary medical aid to the persons admitted to the benefit of this institution, and that the said physicians remain in office until the next election for governors, after which time they are to be annually elected.

This act de-
clared a pub-
lic act.

VI. *And be it further enacted*, That this act shall be and hereby is declared to be a public act, and shall be construed in all courts and places benignly and favourably for every beneficial purpose herein intended.

An ACT to ascertain the Line of Division between the Towns of Trenton and Remsen, in the County of Oneida, and for incorporating an Aqueduct Association in Whitesborough, in said County.

Passed 25th March, 1799. Sess. 22, ch. 48.

[The two first sections did not relate to the subject of the incorporation. E.]

An ACT to incorporate the Society of Mechanics of the City and Vicinity of Albany, for purposes of Education and Charity.

Passed 6th March, 1801. Sess. 24, ch. 21.

An ACT to incorporate the Stockholders of the Columbian Insurance Company.

Passed 21st March, 1801. Sess. 24, ch. 56.

An ACT for incorporating an Aqueduct Association in the Village of Cazenovia, County of Chenango.

Passed 31st March, 1801. Sess. 24, ch. 101.

SPECIAL RELIGIOUS Incorporations.

[The acts under this head relate exclusively to particular churches, and therefore come within the description of private acts. The general act on this subject is to be seen in the 1st volume. It has however been deemed conducive to the convenience of the persons interested, to collect and arrange the titles of these acts in chronological order.—In addition to the titles here collected, there are several acts containing grants to particular churches, but as they are obsolete as well as private, it was not requisite to notice them. E.]

An ACT to incorporate the Ministers, Elders and Deacons of the Reformed Protestant Dutch Church of Tappan, or Town of Orange, in Orange County.

Passed 25th February, 1783. Sess. 6, ch. 17.

An ACT to remove Doubts which may have arisen respecting the Charter Rights of the Minister, Elders and Deacons of the Reformed Protestant Dutch Church of the City of New-York, in consequence of the late Invasion of this State.

Passed 17th March, 1784. Sess. 7, ch. 9.

An ACT making such alterations in the Charter of the Corporation of Trinity Church, as to render it more conformable to the Constitution of the State.

Passed 17th April, 1784. Sess. 7, ch. 33.

An ACT to amend the Charter of the Corporation for the Relief of the Widows and Children of Clergymen in the Communion of the Church of England in America.

Passed 19th February, 1787. Sess. 10, ch. 34.

An Act to enable the Corporation of Trinity Church, in the City of New-York, to assume the Name therein mentioned.

Passed 10th March, 1788. Sess. 11, ch. 66.

An ACT to enable the Corporation of St. Peter's Church, in the City of Albany, to assume the Name therein mentioned.

Passed 3d March, 1789. Sess. 12, ch. 51.

An ACT for altering certain Clauses in the Charter of the Corporation for the Relief of the Widows and Children of Clergymen of the Protestant Episcopal Church in the United States of America.

Passed 5th April, 1790. Sess. 13, ch. 48.

An ACT to enable the Corporation therein mentioned to assume the Name of the Rector and Inhabitants of Poughkeepsie in Communion of the Protestant Episcopal Church in the State of New-York.

Passed 5th April, 1792. Sess. 15, ch. 46.

An ACT to enable the Corporation of the First Presbyterian Church in the City of New-York, to hold real and personal Estates of the yearly Value therein mentioned.

Passed 6th March, 1793. Sess. 16, ch. 40.

An ACT to alter the Style of the respective Religious Corporations therein mentioned.

Passed 12th March, 1793. Sess. 16, ch. 60.

An ACT concerning the Charter to the Minister, Elders and Deacons of the Reformed Protestant Dutch Church in the City of Albany.

Passed February 2d, 1798. Sess. 21, ch. 7.

An ACT relative to the Corporation for the Relief of the Widows and Children of Clergymen in the Communion of the Protestant Episcopal Church in America, and for instituting a new Corporation within this State for similar Purposes.

Passed March 23d, 1798. Sess. 21, ch. 49.

An ACT to amend the Charter of the Reformed Protestant Dutch Church in the City of New-York.

Passed 15th February, 1800. Sess. 23, ch. 4.

I N D E X

TO THE

SECOND VOLUME

OF THE

LAWS OF NEW-YORK.

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